Business Rules & Secretariat Instructions

1978

211 (V,88)'N78
N78.1
170962

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THE TAMIL NADU GOVERNMENT BUSINESS RULES AND SECRETARIAT INSTRUCTIONS

(Revised and Reissued
Incorporating amendments issued upto 30—4—78)

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GOVERNMENT OF TAMIL NADU
1978

PRINTED BY THE DIRECTOR OF STATIONERY AND PRINTING, MADRAS, ON BEHALF OF THE GOVERNMENT OF TAMIL NADU
1978

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THE TAMIL NADU GOVERNMENT BUSINESS RULES AND SECRETARIAT INSTRUCTIONS

PART I

RULES OF BUSINESS

In exercise of the powers conferred by clauses (2) and (3) of Article 166 of the Constitution of India, and in supersession of all previous Rules made in this behalf the Governor of Tamil Nadu hereby makes the following rules :—

RULES.

1. These rules may be called The Tamil Nadu Government Business Rules, 1978.

2. In these rules, unless there is anything repugnant in the subject or context.—

(*a*) "Article" means an Article of the Constitution of India ;

(*b*) "Council" means the Council of Ministers constituted under Article 163 and includes a Committee of the Council ;

(*c*) "Secretary" means a Secretary to the Government of the State ; and includes an Additional Secretary, a Joint Secretary and a Deputy Secretary to the Government of the State ;

(*d*) "Schedule" means a Schedule appended to these rules.

3. Unless the context otherwise requires, the General Clauses Act, 1897 (Central Act X of 1897) shall apply for the interpretation of these rules, as it applies for the interpretation of a Central Act.

SECTION I.

ALLOCATION AND DISPOSAL OF BUSINESS.

4. The business of the Government shall be transacted in the departments specified in the First Schedule, and shall be classified and distributed between those departments as laid down therein.

5. The Governor shall, on the advice of the Chief Minister, allot the business of the Government among the Ministers by assigning one or more departments to the charge of a Minister :

Provided that nothing in this rule shall prevent the assigning of one department to the charge of more than one Minister.

Explanations—(1) In cases, where orders allotting business have to issue urgently, the allotment may be made by the Chief Minister and the cases circulated to the Governor after issue of orders.

(2) Where a particular department of the Secretariat is in the charge of more than one Minister, the senior most of those Ministers, shall be deemed to be in administrative charge of the department in respect of establishment and other common matters arising in that department.

6. Each department of the Secretariat shall consist of a Secretary to the Government, who shall be the official head of that department, and of such other officers and servants subordinate to him as the State Government may determine :

Provided that—

(*a*) more than one department except the Legislative Assembly and the Legislative Council Departments may be placed in charge of the same Secretary.

(*b*) the work of a department other than the Legislative Assembly and the Legislative Council Departments may be divided between two or more Secretaries.

7. The Council shall be collectively responsible for all executive orders issued in the name of the Governor in accordance with these rules, whether such orders are authorized by an individual Minister on a matter appertaining to his portfolio or as the result of discussion at a meeting of the Council or otherwise.

8. Subject to the orders of the Chief Minister under rule 14, all cases referred to in the Second Schedule shall be brought before the Council in accordance with the provisions of the rules contained in Section II ;

Provided that no case in regard to which the Finance Department is required to be consulted under rule 10 shall, save in exceptional circumstances under the directions of the Chief Minister, be discussed by the Council unless the Finance Minister has had an opportunity for considering it.

9. (1) Without prejudice to the provisions of rule 7, the Minister in-charge of a department shall be primarily responsible for the disposal of the business appertaining to that department ;

Provided that this rule shall not apply to any business which the Speaker of the Legislative Assembly or the Chairman of the Legislative Council is competent to dispose of under the Tamil Nadu Legislative Assembly Rules or the Tamil Nadu Legislative Council Rules, as the case may be.

(2) Every Minister and every Secretary shall transmit to the Chief Minister all such information with respect to the business of the Government as the Chief Minister may from time to time, require to be transmitted to him.

10. (1) No department shall, without previous consultation with the Finance Department, authorize any orders (other than orders pursuant to any general delegation made by the Finance Department) which—

(*a*) either immediately or by their repercussions, will affect the finances of the State or which, in particular —

(i) involve any grant of land or assignment of revenue or concession, grant, lease or licence of mineral or forest rights or a right to water power or any easement or privilege in respect of such concession ; or

(ii) in any way involve any relinquishment of revenue ; or

(*b*) relate to the number of grading or cadre of posts or the emoluments or other conditions of service of posts.

(2) Subject to the general provisions of rule 8, no proposal which requires the previous consultation of the Finance Department under this rule, but in which the Finance Department has not concurred, and the Finance Minister has agreed with the Finance Department, may be proceeded with unless a decision to that effect has been taken by the Council.

(3) No reappropriation shall be made by any department, other than the Finance Department, except in accordance with such general delegations as the Finance Department may have made.

(4) Except to the extent that the power may have been delegated to the Departments under the rules approved by the Finance Department, every order of an Administrative Department conveying a sanction to be enforced in audit shall, after obtaining the concurrence of the Finance Department, be communicated to the audit authorities by the Administrative Department and the fact of such concurrence shall be indicated in the order as follows :—

"This order issues with the concurrence of the Finance Department—*vide* its U.O. No........ dated ...."

(5) Nothing in this rule shall be construed as authorizing any department, including the Finance Department, to make reappropriations from one grant specified in the Appropriation Act to another such grant.

11. All orders or instruments made or executed by or on behalf of the Government of the State shall be expressed to be made or executed in the name of the Governor.

12. (1) Every order or instrument of the Government of the State shall be signed either by a Secretary, an Additional Secretary, a Joint Secretary, a Deputy Secretary or an Under Secretary to the Government of the State or such other officer as may be specially empowered in that behalf in the manner specified below and such signature shall be deemed to be the proper authentication of such order or instrument.

"By Order and in the name of the Governor of Tamil Nadu.

(Signature).

Name and Designation of the Officer authorised to sign".

(2) A Minister shall, while on tour, be competent to give orders relating to his own department to local officers. These orders shall be in writing, and written information regarding them shall be sent to the Administrative Secretary concerned. He shall also be competent, while on tour, to ask a local officer, on receipt of a petition or a representation relating to departments which are not under his control, to enquire into it and to submit a report about it to his superior officers.

SECTION II.

PROCEDURE OF THE COUNCIL.

13. The Chief Secretary, or such other officer as the Chief Minister may appoint, shall be the Secretary to the Council.

14. All cases referred to in the Second schedule shall be submitted to the Chief Minister after consideration by the Minister-in-charge, with a view to obtaining his orders for circulation of the case under rule 15 or for bringing it up for consideration at a meeting of the Council.

15 (1) The Chief Minister may direct that any case referred to in the Second schedule may, instead of being brought up for discussion at a meeting of the Council, be circulated to the Ministers for opinion. Such case shall be circulated through the Secretary to the Council. If all the Ministers are unanimous and the Chief Minister thinks that a discussion at a meeting of the Council is unnecessary, the case shall be decided without such discussion. If the Ministers are not unanimous or if the Chief Minister thinks that a discussion at a meeting is necessary, the case shall be discussed at a meeting of the Council.

(2) If it is decided to circulate any such case to the Ministers copies of all papers relating to the case which are circulated among the Ministers shall simultaneously be sent to the Governor. Where such a case is circulated in original to the Ministers, it should be circulated to the Governor also after all the Ministers have seen it.

The order of circulation will be as follows:—

(*a*) the Minister-in-charge.—

(*b*) the Finance Minister (if the case involves financial issues) ;

(*c*) Other Ministers in the order of juniority;

(*d*) the Chief Minister; and

(*e*) the Governor :

Provided that where a case is to be circulated to the Chief Minister in his capacity as the Finance Minister or as the Minister-in-charge; it shall be circulated to him last, after all other Ministers have seen it.

16. (1) In cases which are circulated for opinion under rule 15, the Chief Minister may direct, if the matter be urgent, that if any Minister, fails to communicate his opinion to the Secretary to the Council by a date to be specified by him in the memorandum for circulation, it shall be assumed that he has accepted the recommendations contained therein.

(2) If the Ministers have accepted the recommendations contained in the memorandum for circulation or the date by which they were required to communicate their opinion has expired, the Secretary to the Council shall submit the case to the Chief Minister. If the Chief Minister accepts the recomendations and if he has no observation to make, he shall return the case to the Secretary to the Council who will pass it on to the Secretary concerned who will thereafter take steps to issue the necessary. orders.

17. When it has been decided to bring a case before the Council the department to which the case belongs shall intimate the fact to the Secretary to the Council specifying the subject for discussion and unless the Chief Minister otherwise directs, prepare a memorandum indicating with sufficient precision the salient facts of the case and the points for decision. Such memorandum and such other papers as are necessary to enable the case to be disposed of shall be circulated to the Ministers as soon as the subject is included in the agenda. Copies of the memorandum and other papers shall at the same time be sent to the Governor.

18. In cases which concern more Ministers than one, the Ministers shall attempt by previous discussion to arrive at an agreement. If an agreement is reached the memorandum referred to in rule 16 or 17 shall contain the joint recommendations of the Ministers; and if no agreement is reached, the memorandum shall state the points of difference and the recommendations of each of the Ministers concerned.

19. (1) The Council shall meet at such place and time as the Chief Minister may direct.

(2) After an agenda specifying the cases to be discussed at a meeting of the Council has been approved by the Chief Minister, copies thereof shall be sent by the Secretary to Council to the Chief Minister and other Ministers so as to reach them two clear days before the date of such meeting. The memorandum for the council of Ministers referred to in rule 17 shall also be circulated to the Ministers so as to reach them two clear days before the date of such meeting. The Chief Minister, may in the case of emergency, curtail the said period of two days. Copies of the agenda and the memoranda shall at the same time be sent to the Governor.

(3) If any Minister is on tour, the agenda shall be forwarded to the Secretary in the department concerned who, if he considers that the discussion of any case should await the return of the Minister, may request the Secretary to the Council to take the orders of the Chief Minister for postponement of the discussion of the case until the return of the Minister.

(4) The Chief Minister or in his absence, any other Minister nominated by him shall preside at every meeting of the Council. The Council may by general or special invitation request the Governor to preside at meetings of the Council.

(5) A quorum of Ministers numbering fifty percent of the strength of the Cabinet plus one will be necessary for the transaction of the business at the Meeting.

(6) The Secretary in the department to which a case belongs and the Secretary in any other department concerned shall also attend the meeting, if so directed by the Chief Minister or the Minister presiding.

(7) (*a*) The Secretary to the Council shall attend all the meeting of the Council and shall prepare a record of the decisions. The decisions in each meeting of the Council of Ministers shall, after approval by ths Chief Minister or any other Minister presiding, be kept by the Secretary

to the Council. He shall forward a copy of such record to each of the Ministers including the Chief Minister. He shall also send a copy of such record to the Governor. The copies of the record of decision in relevant cases should also be communicated to the Secretary or Secretaries of the department or departments concerned. The records of decision shall be kept in a running folder in chronological order:

Provided that in respect of the meetings of the Council held to consider the annual financial statement, the procedure laid down in sub-rule (*b*) shall apply.

(*b*) As regards the meetings of the Council held to consider the annual financial statement, the Notes shall be given to Ministers at the meetings of the Council. After discussion and decision, the Notes shall be taken back. One copy of the minutes of the meeting shall then be circulated to Chief Minister for his approval.

20. When a case has been decided by the Council after discussion at a meeting, the Minister concerned shall take action to give effect to the decision. If, however, any deviation is proposed to be made from that decision, the case shall be submitted to the Chief Minister by the Minister concerned and further action on it will be taken according to the directions of the Chief Minister. The Secretary in the department concerned will in each such case cause to be supplied to the Secretary to the Council such documents as the latter may require to enable him to maintain his record of the case.

SECTION III.

DEPARTMENTAL DISPOSAL OF BUSINESS.

A. GENERAL.

21. Except as otherwise provided by any other rule, cases shall ordinarily be disposed of by or under the authority of the Minister in-charge who may by means of Standing Orders give such directions as he thinks fit for the disposal of cases in the department. Copies of such Standing Orders shall be sent to the Governor and the Chief Minister.

22. Each Minister shall by means of Standing Orders arrange with the Secretary of the department what matters or classes of matters are to be brought to his personal notice. Copies of such Standing Orders shall be sent to the Governor and the Chief Minister.

Explanation.— In so far as the Legislative Assembly and the Legislative Council departments are concerned the Standing Orders under rules 21 and 22 if any, shall be issued only in consultation with the Speaker or the Chairman as the case may be.

23. Except as otherwise provided herein cases shall be submitted by the Secretary in the department to which the case belongs to the Minister in-charge :

Provided that where the case relates to a matter in which the Minister concerned has a personal interest, it shall be submitted to the Chief Minister who may direct that the case shall be circulated to anyone or more of the other Ministers.

24. Notwithstanding anything contained in these rules, where any undertaking providing road transport service is carried on by the State Government with reference to clause (*b*) of section 68-A of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the powers and functions which the State Government may exercise and perform under section 68-D of the said Act and the rules relating thereto shall be exercised and performed by the Secretary to the State Government in the Home Department on behalf of the State Government and cases relating to such powers and functions of the State Government under the said section 68-D and the said rules need not be submitted to the Minister in charge.

25. (1) Before a case is submitted by a Secretary or other officer to a Minister for orders, a note for circulation shall be prepared, summarising the salient facts and setting out at the end the point or points for orders where other departments have been consulted and they have expressed different views, these views shall be fairly set out, before indicating the point or points for orders.

(2) Where the Chief Secretary or the Vigilance Commissioner or the other Secretaries to Government have expressed opinions on the case under consideration which are contrary to or different from the views expressed by the Secretary in the Department to which the case belongs and the latter still adheres to his views, he can after indicating the different views, comment upon those views, and also add any further note expressing his own views with justifiable reasons and solicit orders for approval of his own opinion by the Minister or the Chief Minister, as the case may be.

26. Wherever the views of a Minister have been over-ruled or not accepted by the Chief Minister or any other Minister as the case may be, the case should be put up for perusal by the concerned Minister whose views are not accepted before orders are issued. In cases of extreme urgency, the case may be put up after issue. Whether the Minister will take up the matter to get revised order is left to the Minister but in such cases, the initiating Minister who differed from the other Minister should also be kept in the picture, so that all concerned may have a fair chance to present their respective view-points before the original decision is reversed.

27. As soon as possible after a week is over, the Secretary shall submit to all Ministers a statement showing particulars of cases other than routine cases, disposed of in the department by the Minister and the Secretary, respectively, during the week distinguishing those disposed of after discussion at meetings of the Council. A copy of the said statement shall be simultaneously submitted also to the Governor :

Provided that this rule shall not apply to the cases relating to the business of either House of the Legislature disposed of in the Legislative Assembly or the Legislative Council department by the Speaker or the Chairman under the Tamil Nadu Legislative Assembly Rules or the Tamil Nadu Legislative Council Rules, as the case may be.

28. When the subject of a case concerns more than one department, no order shall be issued nor shall the case be laid before the Council until it has been considered by all the departments concerned, unless the case is one of extreme urgency :

Provided that cases of Housing Department relating to schemes of Housing, Slum Clearance and Land Acquisition and Development implemented by the Tamil Nadu Housing Board or the Tamil Nadu Slum Clearance Board may be disposed of without consulting the Rural Development and Local Administration Department, except where the Tamil Nadu Housing Board and the Tamil Nadu Slum Clearance Board have not consulted the local body concerned, or the Director of Town and Country Planning or the Madras Metropolitan Development Authority, as the case may be.

Explanation I : The requirements of this rule shall not be deemed to have been satisfied merely by reason of the fact that a case was seen by a particular department at a certain stage, if, after the date of such reference, the case has undergone material modification as a result of further discussion and noting and the case as finally proposed to be circulated differs materially from the case as originally referred to the other department.

Explanation II : Every case in which a decision, if taken in one department, is likely to affect the transaction of business allotted to another department, it shall be deemed to be a case, the subject of which, concerns more than one department.

29. Proposals relating to administrative matters of the Legislative Assembly department and the Legislative Council department which are required to be circulated to the Minister in charge, shall be circulated to him through the Speaker of the Legislative Assembly and the Chairman of the Legislative Council, as the case may be. If there is any disagreement between the Speaker or the Chairman and the Minister in charge in any such matter and if such disagreement cannot be resolved by mutual discussion between them, the case shall be circulated to the Chief Minister for orders or for laying the case before the Council.

30. If the departments concerned are not in agreement regarding the case dealt with under rule 28, the Minister in charge of the department may, if he wishes to proceed with the case, direct that the case be circulated to all Ministers or submitted to the Chief Minister for orders for laying the case before the Council.

Explanation : (1) When a case is circulated under this rule, the order of circulation shall be the same as that prescribed in rule 15 (2).

(2) If a case relates to the Legislative Assembly or the Legislative Council department the procedure laid down in rule 29, shall apply and the case shall be submitted to the Chief Minister through the Speaker or the Chairman, as the case may be, and the Minister or Ministers concerned.

31. (1) A Secretary may ask to see the papers in any department if such papers are required for the disposal of a case in his department.

(2) Such request shall be dealt with under the general or special orders of the Minister in charge.

(3) A Minister may send for any paper from any department for his information provided that, if he is of opinion that any further action should be taken on them, he shall communicate his views to the Minister in charge of the department concerned and, in case of disagreement, may submit the case to the Chief Minister with a request that the matter be laid before the Council. No further notes shall be recorded in the case before the papers are so laid before the Council :

Provided that if the paper is of a secret nature, it shall be sent to the Minister only under the orders of the Minister in charge of the department to which it belongs :

Provided further that no paper under disposal shall be sent to any Minister until it has been seen by the Minister in charge of the department to which it belongs.

(4) (*a*) The Chief Secretary may, on the orders of the Chief Minister or of any Minister or of his own motion, call for papers relating to any case in any department and any such request by him shall be complied with by the Secretary of the department concerned.

(*b*) The Chief Secretary may, after examination of the case, submit it for the orders of the Minister in charge or of the Chief Minister through the Minister in charge.

Explanation.—This rule shall not apply to papers of the Legislative Assembly and the Legislative Council Departments which the Speaker and the Chairman are competent to dispose of under the Tamil Nadu Legislative Assembly Rules and the Tamil Nadu Legislative Council Rules, as the case may be.

32. If any question arises as to the department to which a case properly belongs, the matter shall be referred for the decision of the Chief Secretary who will, if necessary, obtain the orders of the Chief Minister.

33. (1) The Governor, the Chief Minister, the Minister in charge and the Chief Secretary should be apprised immediately of all important developments in his department that come to the notice of any Secretary to Government. To ensure this, copies of communications of the nature mentioned below should be prepared and submitted separately direct to each of them :—

(i) D.O. letters received from the Prime Minister and other Ministers of the Union.

(ii) D.O. letters and communications received from the Government of India at the Official level.

Explanation.—In regard to items (i) and (ii) above, copies of communications of a routine or unimportant nature need not be submitted.

(iii) Report from the Collectors and other officers relating to occurrences of the nature mentioned below :—

(*a*) riots involving a serious breach of the public peace ;

(*b*) outrages which have a political aspect ;

(*c*) Calamities such as floods or earthquakes, which cause serious damage to life or property;

(*d*) events which have a political or administrative importance ;

(*e*) all unusual happenings.

(2) The preliminary circulation of separate advance copies mentioned above should not be allowed to delay action in the Secretariat Department concerned, on the original papers.

34 Any matter likely to bring the State Government into controversy with the Government of India or with any other State Government shall, as soon as the possibility of such a controversy is foreseen, be brought to the notice of the Governor and the Chief Minister and the Minister-in-charge.

35. (1) (*a*) The following classes of cases shall be submitted to the Chief Minister before the issue of orders :—

(i) Proposals for the grant of pardon in pursuance of Article 161 of the Constitution.

(ii) Proposals to suspend, remit or commute sentences passed on convicted persons in important cases.

(iii) Cases relating to petitions for mercy from or on behalf of persons sentenced to death.

(iv) Cases raising questions of policy and cases of administrative importance not already covered by the Second Schedule.

(v) Cases which affect or are likely to affect the peace and tranquillity of the State or any part thereof.

(vi) Cases involving questions of policy which affect or are likely to affect the interests of any minority community, Scheduled Castes, Scheduled Tribes and Backward Classes.

(vii) Cases which affect the relations of the State Government with the Government of India, any other State Government, the Supreme Court or the High Court.

(viii) Constitution of an Advisory Board under Article 22 (4) (*a*) for the detention of persons without trial.

(ix) Proposals for the dismissal, removal or compulsory retirement of any gazetted officer.

(x) Proposals for the appointment, posting and promotion of the following officers :—

(*a*) Secretaries, Additional Secretaries, Joint Secretaries and Deputy Secretaries to Government.

(*b*) Heads of departments.

(*c*) Special Officers (such as Food Commissioner and Planning Officer).

(*d*) Deputy Inspectors-General of Police.

(*e*) Collectors.

(*f*) District Magistrates.

(*g*) Superintendents of Police.

(*h*) Superintending Engineers.

(*i*) Advocate-General (including proposals for determining or varying the remuneration payable to him and cases dealing with his resignation and his removal).

(*j*) District Judges including Additional District Judges, Joint District Judges, Assistant District Judges, Chief Judge, Court of small Causes, Principal Judge, City Civil Court, Additional Judges, City Civil Court, Chief Metropolitan Magistrate, Administrator-General and Official Trustee, Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges.

Explanation.—In respect of officers mentioned in item (*j*), the expression "appointment, posting and promotion" shall mean the first appointment, posting and promotion and the word "posting" shall not include "transfer".

(*k*) Chief Electoral Officer.

(*l*) Authorities appointed for preparation of electoral rolls for the State Legislature.

(*m*) Members of the following services :—

(1) Indian Administrative Service.

(2) Indian Police Service, including post of Commandant, Malabar Special Police, Deputy Commandant and Assistant Commandants, Malabar Special Police.

(3) Other All India Services.

(*n*) (1) State Counsel.

(2) State Prosecutor.

(3) Government Pleaders and Public Prosecutors (both in the City and in the mufassal).

(4) Additional Public Prosecutors in the mufassal.

(5) Assistant Public Prosecutors in the City.

(6) Chairman, Members and Secretary of the Sales Tax Appellate Tribunal.

(7) Chairman, Tamil Nadu Housing Board.

(8) Tribunal for Disciplinary Proceedings.

(9) Commissioners, Chairman and Managing Directors of all Corporations. Statutory bodies and Government Undertakings under the control of the Government of Tamil Nadu.

(xi) Lists of approved candidates for appointment to State Services (including posts which are excluded from the purview of Statutory Rules) and all proposals for first appointment to, or promotion in, such services.

(xii) All postings, transfers or grade promotions which are not strictly in accordance with seniority.

(xiii) Transfers and postings in the following services and posts to the extent, if any, specified :—

(*a*) Registrar and Joint Registrar of Co-operative Societies.

(*b*) State Services—

(1) Tamil Nadu Agricultural Service.

Director of Agriculture, Dean, Agricultural Colleges Deputy Directors of Agriculture.

Heads of Scientific Sections, i.e., Agricultural Research Officers including.—

Government Entomologist.

Mycologist.

Agricultural Chemist.

Cotton Specialist.

Paddy Specialist.

Millete Specialist.

Oil Seeds Specialist.

(2) Tamil Nadu Animal Husbandry Service—

Dean, Madras Veterinary College and

Deputy Directors of Animal Husbandry.

(3) Tamil Nadu Boiler Service (Chief Inspector of Boilers).

(4) Tamil Nadu Civil Service (Executive Branch).

(5) Tamil Nadu Commercial Taxes Service—

Deputy Commissioners of Commercial Taxes.

(6) Tamil Nadu Electrical Inspectorate Service—

Chief Electrical Inspector to Government and Senior Electrical Inspector.

(7) Tamil Nadu Engineering Service (Chief Engineers, Superintending Engineers and Executive Engineers).

(8) Tamil Nadu Excise Service (Deputy Commissioners of Excise and Assistant Commissioners of Excise including the Assistant Secretary to the Commissioner).

(9) Tamil Nadu General Service—

Regional Inspectors of Municipalities.

Personal Assistant to the Director of Town and County Planning or the Joint Director of Town and Country Planning.

Consulting Architect to Government.

Director, Cinchona Department.

Director of Tamil Nadu Archives.

Assistant Director of Tamil Nadu Archives.

Superintendent of the Government Museum and Associate Librarian of the Connemara Public Library.

Librarian of the Connemara Public Library.

Under Secretaries to Government.

Director of Translations.

Examiner of Local Fund Accounts.

Deputy Examiner of Local Fund Accounts.

Assistant Examiner of Local Fund Accounts.

Secretary to Government, Law Department and Remembrancer of Legal Affairs.

(10) Tamil Nadu Highways Engineering Service—

Chief Engineer.

Superintending Engineers and Divisional Engineers.

(11) Tamil Nadu Jail Service.

(12) Tamil Nadu Medical Service—

Civil Surgeons.

Principal and Professors, College of Indigenous Medicine

Government Analyst.

Surgeon to the Governor.

(13) Tamil Nadu Police Service.

(14) Tamil Nadu Port Service— (Port Officers and the State Port Officer and Agent for Government Consignments).

(15) Tamil Nadu Public Health Service—(Director, Deputy Director and Assistant Directors of Public Health).

(16) Tamil Nadu Registration Service–Inspector-General of Registration.

(17) Tamil Nadu Stationery and Printing Service-Director of Stationery and Printing.

(18) Hindu Religious and Charitable Endowments Department—

Deputy Commissioners of Hindu Religious and Charitable Endowments.

(19) Tamil Nadu Legislative Assembly Secretariat Service and Legislative Council Secretariat Service—

Secretary, Legislative Assembly Department.

Secretary, Legislative Council Department.

Deputy Secretary, Legislative Assembly Department.

Under Secretary, Legislative Assembly Department.

Under Secretary, Legislative Council Department.

Editor of Debates, Legislative Assembly Department.

Editor of Debates, Legislative Council Department.

Estate Officer.

(20) Tamil Nadu Transport Service—Managing Director of Roadways Corporation.

(xiv) Proposals to lend the services of any officer other than a member of a Subordinate Service to the Government of India or to any State Government or on Foreign Service.

(xv) Proposals to nominate Members of the Legislative Council under Article 171 (3) (*e*).

(xvi) Proposals for the provision of representation to the Anglo-Indian Community (Article 333).

(xvii) Any communication from the Election Commission especially with reference to its requirements as to staffs and action proposed to be taken thereon.

(xviii) Any proposal for the institution of a prosecution by Government against the advice tendered by the Law Department.

(xix) Any departure from these rules which comes to the notice of the Chief Secretary or the Secretary to Government of any department.

(xx) Appointment of the Chief Secretary.

(xxi) Proposed rules affecting the pay, allowances or pensions payable to or in respect of officers appointed by the former Secretary of State for India.

(xxii) Cases pertaining to the Governor's personal establishment and Government House matters ;

(xxiii) Proposals for the appointment of Chairman and Members of the State Public Service Commission, cases dealing with resignation of the Chairman or any such Member and proposals for the appointment of the Secretary, Deputy Secretary and Assistant Secretary of the State Public Service Commission.

(xxiv) Cases relating to the application of Acts of Parliament or of the State Legislature to the Scheduled Areas and the making of regulations for the peace and good Government of those areas.

(xxv) All important cases relating to Defence, External Affairs or Ecclesiastical Affairs.

(xxvi) All proposals involving any important change in the strength or distribution of any police force, whether civil or military.

(xxvii) All proposals for the making or amendment of any rules, regulations or orders relating to any police force, whether civil or military.

(xxviii) All proposals for imposing on the police forces duties other than those which they are required to perform under the Acts relating to those forces and the rules framed thereunder.

(xxix) All proposals for a substantial increase or diminution of the powers of heads of departments.

(xxx) All proposals materially affecting the conditions of service or the normal promotion of any Government servant.

(xxxi) All cases in which the conduct of officers appointed by the former Secretary of State for India, listed post holders, officers, of the Indian Administrative Service and Indian Police and State Service is involved and which the Secretary to Government in the department concerned considers to be of sufficient importance to be submitted to the Chief Minister.

(xxxii) All cases in which it is proposed to communicate to an Officer appointed by the former Secretary of State for India or a listed post holder or an officer of the Indian Administrative Service or Indian Police or a State Service, adverse remarks on him in the periodical confidential report.

(xxxiii) All proposals for the reservation of appointments and posts for the Scheduled Castes, Scheduled Tribes and Backward Classes.

(xxxiv) All cases in which it is proposed to deviate from the advice tendered by the State Public Service Commission.

(xxxv) Any proposal for abolition of a post required to be held by a member of a State Service.

(xxxvi) Cases relating to payment out of the Consolidated Fund of State any damages or costs incurred by public servants in connection with civil suits instituted against them in respect of acts purported to have been done by them in their official capacity.

(xxxvii) All important cases relating to the development of irrigation and supply of electricity in the State.

(xxxviii) All cases in which Land Acquisition proceedings are proposed to be dropped.

(xxxix) All cases of withdrawal or dropping of police investigation for violation of control orders.

(xl) All cases relating to constitution of statutory and non-statutory committees by the Government of Tamil Nadu or by the Government of India, and nomination and replacement of members thereto, and cases relating to filling up of places by the Government of Tamil Nadu in Committees constituted by the Government of India and any other connected matters.

(xli) All Press Communiques and Press Notes.

(xlii) All cases relating to the issue of any notification under sub-section (2) of Section 15 or under Section 16 of the Representation of the People Act, 1951 (Central Act XLIII of 1951), summoning and Prorogation of either House of Legislature, dissolution of the Legislative Assembly and disqualification of Members of the State Legislature arising under Article 192.

(xliii) All cases relating to the issue of rules regulating the conditions of service of persons serving in a civil capacity in connection with the affairs of the State and the relation of such rules in individual cases.

Explanation.—The following cases need not be submitted to the Chief Minister :—

(*a*) Cases in which the general principle and object of amendments have already been accepted by the Chief Minister ;

(*b*) Cases relating to amendments to existing rules which are of a routine nature ; and

(*c*) Cases involving relaxation of statutory rules if all the concerned departments agree.

(xliv) All cases of appointments (including temporary appointments) to non-technical posts of persons who do not possess the prescribed qualifications.

(xlv) All cases relating to the deputation of officers for special study or training outside the State.

(xlvi) Cases relating to the presentation, to either House of the Legislature of the annual financial statement or a statement relating to supplementary, additional or excess grants and Appropriation Bills.

(xlvii) cases relating to schemes of new expenditure which require reference to the Standing Finance Committee and the Council—

(*a*) Schemes treated as "new services"—Subject to the monetary limits fixed by Finance Department in consultation with the Public Accounts Committee from time to time.

(*b*) Schemes not treated as "new services"—where the estimated cost does not exceed the monetary limits fixed by Finance department from time to time.

(xlviii) All cases which the Secretary concerned considers to be of major importance or which any Minister may ask to have circulated to the Chief Minster.

(xlix) Proposals for referring to the X-Branch of the C.I.D. of all allegations of corruption against Government servants.

(l) Cases relating to the Constitution of Corporations, Municipalities, Panchayat Union Councils and Panchayats.

(li) Cases relating to supersession and dissolution of Corporations, Municipalities, Panchayat Union Councils and Panchayats.

(lii) Cases relating to the removal of Mayors of Corporations and Chairmen of Municipal Councils and Panchayat Union Councils and Presidents of Panchayats.

(liii) (*a*) Cases relating to the deputation of officers to participate in conferences held in foreign countries.

(*b*) Proposals for the appointment of Chairman, Members and the Secretary of the Tamil Nadu Electricity Board.

(liv) Any other cases or class of cases which the Chief Minister specially directs to be submitted to him.

35. (1) (*b*) Cases of routine nature or cases which the circulating officer does not consider to be of sufficient importance need not be circulated to the Chief Minister.

(2) The following classes of cases shall be submitted by the Chief Minister to the Governor before the issue of orders :

(i) (*a*) Proposals for the grant of pardon in pursuance of Article 161 of the Constitution.

(*b*) Proposals to suspend, remit or commute sentences passed on convicted persons in important cases.

(*c*) Cases relating to petitions for mercy from or on behalf of persons sentenced to death.

(ii) Cases raising questions of policy.

(iii) Cases which affect or are likely to affect the peace and tranquility of the State or any part thereof.

(iv) Cases which affect or are likely to affect the interests of any minority community, Scheduled Castes, Scheduled Tribes and Backward Classes.

(v) Cases which affect the relations of the State Government with the Government of India, any other State Government, the Supreme Court or the High Court.

(vi) Cases pertaining to the Governor's personal establishment and Government House matters.

(vii) Proposals for the appointment of Chairman and Members of the State Public Service Commission, cases dealing with resignation of the Chairman or any such member and proposals for the appointment of the Secretary, Joint Secretary, Deputy Secretary and Assistant Secretary of the State Public Service Commission.

(viii) Proposals for dismissing, removing or compulsorily retiring any Gazetted Officer.

(ix) Proposals for the appointment, posting and promotion of the following officers :—

(*a*) Secretaries, Additional Secretaries and Joint Secretaries to Government;

(*b*) Heads of Departments;

(*c*) Special Officers such as Food Commissioner;

(*d*) District Judges including Additional District Judges, Joint District Judges, Assistant District Judges, Chief Judge, Court of Small Causes, Principal Judge, City Civil Court, Additional Judges, City Civil Court, Chief Metropolitan Magistrate, Administrator-General and Official Trustee, Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges;

Explanation.—In respect of officers mentioned in item (*d*), the expression "appointment, posting and promotion" shall mean the first appointment, posting and promotion and the word "posting" shall not include "transfer".

(*e*) Deputy Inspectors-General of Police;

(*f*) Collectors;

(*g*) District Magistrates ;

(*h*) Sheriff of Madras;

(i) Advocate-General (including proposals for determining or varying the remuneration payable to him) and cases dealing with his resignation and his removal.

(x) All proposed rules affecting the pay, allowances or pension payable to or in respect of officers appointed by the former Secretary of State for India.

(xi) All cases relating to the issue of any notification under sub-section (2) of section 15 or under section 16 of the Representation of the People Act, 1951 (Central Act XLIII of 1951), summoning and prorogation of either House of the Legislature, dissolution of the Legislative Assembly, disqualification of Members of the State Legislature arising under Article 192, proposals to nominate Members of the Legislative Council under Article 171 (3) (e) or proposals for the provision of representation to the Anglo-Indian Community under Article 333.

(xii) Cases relating to the appointment of Secretary, Deputy Secretary and under Secretary to the Legislature.

(xiii) Cases relating to the application of Acts of Parliament or of the State Legislature to the Scheduled areas and the making of regulations for the peace and good Government of those areas.

(xiv) Cases relating to the presentation to either House of the Legislature of the annual financial statement or a statement relating to supplementary, additional or excess grants and Appropriation Bills.

(xv) Any departure from these rules which comes to the notice of the Chief Secretary or the Secretary of any Department

(xvi) Such other cases of administrative importance as the Chief Minister might consider necessary or as the Governor may wish to see.

(3) Cases relating to the appointment or resignation of the Chief Miniser or any other Minister shall be submitted to the Governor.

(4) Notwithstanding anything contained in this rule or any other rules, the Chief Minister may, by means of Standing Orders, give such directions as he thinks fit, to restrict and regulate the submission of any classes of cases to him or through him to the Governor, as the case may be, Copies of such Standing Orders shall be sent to the Governor.

36. Where in any case the Governor considers that any further action should be taken or that action should be taken otherwise than in

accordance with the orders passed by the Minister in-charge, the Governor may require the case to be laid before the Council for consideration, whereupon the case shall be so laid :

Provided that the notes, minutes or comments of the Governor in any such case shall not be brought on the Secretariat record unless the Governor so directs.

37. The Chief Minister shall—

(*a*) cause to be furnished to the Governor such papers, records, or information relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for ; and

(*b*) if the Governor so requires, submit for the consideration of the Council any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

38. All important cases involving adoption of new principles, new schemes and proposals suggesting deviation from existing rules and practice shall be circulated to the Ministers concerned by the Secretaries of the respective departments only through the Chief Secretary to Government.

B. FINANCE DEPARTMENT.

39. The Finance Department shall be consulted before the issue of orders upon all proposals which affect the finances of the State and in particular—

(*a*) proposals to add any post to the Public Service or to vary the emoluments of any post ;

(*b*) proposals to sanction an allowance or special or personal pay for any post or class of posts or to any servant of the Government of the State;

(*c*) proposals involving abandonment of revenue or involving an expenditure for which no provision has been made in the Appropriation Act.

Explanation.—proposals for the abolition of posts shall be sent to Finance Department for information after issue of orders.

40. The views of the Finance Department shall be brought to the permanent record of the department to which the case belongs and shall form part of the case.

41. The Finance Department may by general or special order prescribe cases in which its assent may be presumed to have been given.

42. (1) The Finance Minister may call for any papers in a case in which any of the matters referred to in rule 10 or rule 39 is involved and the department to whom the request is addressed shall supply the papers.

(2) On receipt of papers called for under sub-rule (1), the Finance Minister may request that the papers with his note on them shall be submitted to the Council.

(3) The Finance Department may make rules to govern financial procedure in general in all departments and to regulate the business of the Finance Department and the dealings of other departments with the Finance Department.

C. Law Department.

43. Except as hereinafter provided the Law Department is not, in respect of legislation, an originating or initiating department and its proper function is to put into technical shape the projects of legislation of which the policy has been approved ; and every proposal to initiate legislation shall be considered in, and if necessary transferred to, the department to which the subject-matter of the legislation relates and the necessity for legislation and all matters of substance to be embodied in the Bill shall be discussed and, subject to rule 8, settled in such department.

44. Proposals to initiate legislation shall be treated as a case and shall be submitted to the Chief Minister through the Minister in charge of the Administrative Department and the Law Department:

Provided that the case shall not be so submitted until the department concerned has consulted the Law Department as to—

(i) the need for the proposed legislation from a legal point of view ;

(ii) the competence of the State Legislature to enact the measure proposed ;

(iii) the requirements of the Constitution as to obtaining the previous sanction of the President or recommendation of the Governor thereto ;

(iv) the consistency of the proposed measure with the provisions of the Constitution, and in particular those relating to the Fundamental Rights ; and

(v) the need for consultation with the Government of India.

45. If legislation is decided upon, the department shall draw up a memorandum on the proposal indicating with sufficient precision the lines on which it has been decided to legislate and also a statement of Objects and Reasons. If the legislation involves expenditure from the Consolidated Fund of the State, a financial memorandum shall also be prepared in consultation with the Finance Department.

The papers shall then be sent to the Law Department requesting it to draft the Bill accordingly.

Explanation.—A separate memorandum need not be prepared in cases where a note for the Cabinet or some other paper already in existence will serve the purpose of a memorandum.

46. The Law Department shall thereafter prepare a tentative draft Bill, scrutinize the statement of Objects and Reasons and return the case to the department concerned.

47. The Administrative Department will obtain the opinions of such officers and bodies as it seems necessary on the draft Bill and submit the opinion received with a copy of the tentative draft Bill to the Minister in charge.

48. (1) If the tentative draft Bill is approved by the Minister in charge, it shall be circulated to the other Ministers and a copy supplied to the Governor and unless the Chief Minister directs otherwise, the tentative draft Bill shall be brought before a meeting of the Council. Proposals for any substantial or important amendments in the draft Bill after its approval shall also be dealt with similarly.

(2) If a Bill which is proposed to be introduced in the Legislature falls within the concurrent Legislative Field, the administrative department principally concerned shall, whenever possible, consult the Ministry of Home Affairs of the Government of India on the proposed legislation. Consultation with the Government of India shall also be necessary in cases where a Bill may seek to amend a law falling within the concurrent legislative field, even though such law applies only to the State of Tamil Nadu. Such consultation should be made after the stage indicated in clause (1).

(3) If a Bill which is proposed to be introduced in the Legislature attracts the provisions of clause (2) of Article 31, clause (1) of Article 31-A or Article 31-C, of the Constitution or it is a Bill on Land Reforms, the Administrative department principally concerned with the subject matter shall consult the Ministry of Home Affairs of the Government of India before the introduction of the Bill in the Legislature :

Provided that the procedure in sub-rule (2) or sub-rule (3) need not be followed when the need for action is so urgent that prior consultation is not possible. In such cases, Ministry of Home Affairs of the Government of India shall be informed as soon as possible.

49. (1) If it is decided to proceed with the Bill, with or without amendments, the originating department shall send the case to the Law Department requesting it to prepare a final draft of the Bill.

(2) If the legislation involves any delegation of legislative power, the originating department shall prepare and append to the draft Bill a memorandum of delegated legislation explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

50. The Law Department shall then finalise the draft Bill and scruitinise the draft memorandum of delegated legislation and send the draft Bill to the originating department indicating at the same time the sanctions or recommendations, if any, required for the Bill. If any provisions in the Bill involving expenditure from the Consolidated Fund of the State are modified in the finalised draft, the department shall send the finalised draft Bill to the Finance Department for revising, if necessary the financial memorandum.

51. (*a*) Where the previous sanction of the President or the recommendation of the Governor is necessary for a Bill, the originating department shall obtain it, and then forward a copy of the Bill (together with the statement of Objects and Reasons and the Notes on Clauses if any) to the Legislative Assembly Department or the Legislative Council Department, as the case may be.

(*b*) The originating Department shall also prepare a notice of motion to introduce a Bill and shall, after obtaining the signature of the Minister in charge, forward the notice to the Secretary to the Chamber of the Legislature to which it is proposed to introduce the Bill. The department will be in charge of the Bill in all its subsequent stages.The originating department, shall while giving notice of motion to the Assembly or Council Department submit a copy of the Bill as finalised by the Law Department to the Governor.

(*c*) The proviso to rule 93 of the Tamil Nadu Legislative Assembly Rules and the proviso to rule 93 of the Tamil Nadu Legislative Council Rules provide for the publication of the Bill without the leave of the House concerned.

(*d*) Ten copies of every Bill which falls within the concurrent Legislative field or seeks to amend a law falling within the concurrent legislative field introduced in either Chamber of the Legislature or published in the Gazette shall, immediately after such introduction or publication, as the case may be, be forwarded by the Law Department to the Government of India, Ministry of Law.

52. Notwithstanding anything contained in rule 43 , measures designed solely to codify and consolidate existing enactments and legislation of a formal character such as repealing and amending Bills may be initiated in the Law Department :

Provided that the Law Department shall send a copy of the draft Bill to the department which is concerned with the subject matter for consideration as an administrative measure and the department to which it is sent shall forthwith make such enquiries as it thinks fit and shall send to the Law Department its opinion thereon together with a copy of every communication received by them on the subject.

53. (1) Whenever a private Member of the State Legislature gives notice of his intention to move for leave to introduce a Bill the Office of the Legislature shall forthwith send two copies of the Bill and the Statement of Objects and Reasons to the department principally concerned with the subject-matter of the Bill and another to the Law Department. The Administrative Department shall submit one set of the papers to the Chief Minister for information.

(2) The Bill shall be dealt with as a case by the administrative department and then referred to the Law Department for advice in its technical aspects, such as need for previous sanction of the President or recommendation of the Governor and the competence of the State Legislature to enact the measure.

(3) If any provisions of such Bill involve expenditure from the Consolidated Fund of the State, the department shall, before it is circulated, prepare in consultation with the Finance Department the financial memorandum in respect of the Bill.

54. The provisions of rule 53 shall apply as far as may be to amendments of substance recommended by the Select Committee and also to all amendments notice of which is given by Members of the State Legislature for being moved during the consideration of a Bill in that Legiislature.

55. (1) When a Bill has been passed by the Legislature, it shall be examined by the Law Department in consultation with the administrative department concerned and shall be forwarded to the Governor with—

(*a*) a report of the Secretary of the department concerned as to the reasons, if any, why the Governor's assent should not be given ; and

(*b*) a report of the Law Secretary as to the reasons, if any, why the Governor's assent should not be given or the Bill should not be reserved for the consideration of the President.

(2) Where the Governor directs that the Bill should be reserved for the consideration of the President or returned to the Legislature with a message , necessary action in that behalf shall be taken by the Law Department in consultation with the Administrative Department concerned.

(3) After obtaining the assent of the Governor or the President, as the case may be, the Law Department shall cause the Bill to be published in the Gazette as an Act of the Legislature.

56. (1) Subject to the provisions of sub-rules (2), (3) and (4), the provisions of rules 43 to 50 shall apply *mutatis mutandis* to all proposals for the issue of an Ordinance under Article 213 of the Constitutiton.

(2) After the Ordinance is approved by the Council, or in circulation, the originating Department shall forthwith send the case to the Law Department, which shall submit the Ordinance, through the Minister-in-charge of Law and the Chief Minister, to the Governor for promulgation :

Provided that where previous instructions of the President under the proviso to clause (1) of Article 213 of the Constitution are necessary for the promulgation of the Ordinance, the originating department shall obtain the same before sending the case to the Law Department.

(3) After the promulgation of the Ordinance by the Governor, the Law Department shall cause it to be published in the Gazette.

(4) After the publication of the Ordinance, the Law Department shall forward a copy of the same to the Governor ; and 350 copies to the Secretary, Legislative Assembly and 150 copies to the Secretary, Legislative Council, for being laid before both the Houses of the Legislature as required under clause (2) of Article 213 of the Constitution.

57. Whenever it is proposed in any department other than the Law Department—

(i) to issue a statutory rule, notification or order ; or

(ii) to sanction under a statutory power the issue of any rule bye-law, notification or order by a subordinate authority; or

(iii) to submit to the Central Government any draft statutory rule notification or order for issue by them,

the draft shall, unless it is of a routine nature or unless similar drafts have already been accepted by the Law Department, be referred to that department for opinion and for revision where necessary.

58. (1) All Administrative departments shall consult the Law Department on—

(a) the construction of statutes, Acts, Regulations and Statutory Rules, Orders and Notifications ;

(b) any general legal principles arising out of any case, ; and

(c) the institution or withdrawal of any prosecution at the instance of any Administrative department, except in cases which are simple and clear and where no point of law is involved.

Explanation : The Home Department shall, however, be consulted before issue of orders in all cases of withdrawal of prosecution.

(2) Every such reference shall be accompanied by an accurate statement of the facts of the case and the point or points on which the advice of the law Department is desired.

59. In respct of cases referred to the Law Department under rules 57 and 58 the Administrative department shall take action in accordance with the legal advice of the Law Department. But the Administrative department may refer a case to the Law Department for reconsideration of its opinion in the light of the new points brought to notice.

60. Every Bill of the nature referred to in Article 199 of the Constitution shall—

(1) if the Bill relates to the subject dealt with in the Finance Department, be submitted to the Finance Minister and the Governor.

(2) in any other case, be sent by the Secretary of the Department concerned for the remarks of the Finance Department. The Bill shall thereafter be submitted to the Finance Minister by the Department concerned.

SECTION IV.

SUPPLEMENTARY.

61. The Secretary of the department concerned is in each case responsible for the careful observance of these rules and when he considers that there has been any material departure from them, he shall personally bring the matter to the notice of the Minister in charge and the Chief Secretary.

62. If any doubt arises as to the interpretation of these rules, it shall be referred to the Chief Minister whose decision shall be final.

63. These rules may to such extent as may be necessary be supplemented by Instructions to be issued by the Governor on the advice of the Chief Minister.

FIRST SCHEDULE.

(*See* Rule 4).

DISTRIBUTION OF BUSINESS AMONG DEPARTMENTS OF THE SECRETARIAT.

PUBLIC DEPARTMENT.

State subjects—

Aliens

All India Services Rules.

Assumption of Office by the Governor.

Authentication of Documents for use in foreign countries.

Bicycles—Hind—Supply to Government offices.

Books-Copyright—Registration of—Correspondence—Objectionable Censorship.

Cabinet—Arrangement for meetings.

Census

Civil Representatives with the Army (other than Indian Civil Service Officers).

Committees and Conferences—Public Advisory Committee—Press Communiques, releases and issue of feature articles—Publications—Radio Publicity and Press Liaison.

Common Establishment—Telephone and Telex Operators—Roving Inspectors—Chowkidars—Conservancy staff—Cleaners—Watermen.

Conferences relating to Information and Publicity, Policy matters relating to advertisements, selection of newspapers and journals for release of advertisements and selection of advertising Agencies of all State Governments—Institutions and release of advertisements of all Departments.

PUBLIC DEPARTMENT—*cont.*

State subjects—cont.

Constitution of India—Translation into Regional languages.

Correspondence with neighbouring State Governments.

Criminal Investigation Department—Other than establishment.

Discovering the talents from Journalists, Information Personnel and other writers and arranging training programmes for them.

District Judges.

District Revenue Officers.

Ecclasiastical affairs.

Elections to State Legislature including Election offences and disputed elections.

Establishment.

Establishment of Section Officers, Assistants, Junior Assistants, Typists, Steno-typists in Public Department, the staff attached to the Office of the Ministers and the Staff in Public (S.C.).

Exhibition.

Flags.

Freedom Fighters' Pension.

Government Guest House.

Governor's Household—Raj Bhavan.

Governor's Secretary's Office.

Personal Staff of Governor.

Governor's Household.

Contracts.

Construction.

Furniture.

Maintenance and furnishing.

Medical.

Sumptuary.

Tour.

Works.

High Court Judges—Leave.

Holidays.

Indian Administrative Service including Pension, Provident Funds and Advances.

Indian Civil Service including annuties, Provident Funds and Family Pension Fund.

Information Centres and Children's Theatre.

Information Centre in State Headquarters and Districts, Children Theatres (Kalaivanar Arangam, Madras and Anna Kalai Arangam, Vellore), and the opening of Children Theatres in the Districts.

Institute of Film Technology.

PUBLIC DEPARTMENT—*cont*.

State subjects—cont.

Internal Security, Political Offences.

Joint Secretary and Deputy Secretary (Non-I.A.S.).

Law Officers, High Court, Madras.

Legislative Bodies (other than Tamil Nadu) —Proceedings—Marking subjects for perusal of Ministers.

Legislative Council and Legislative Assembly (other than the subjects dealt with in the Legislative Council and the Legislative Assembly Departments) namely :—

(i) Ministers Travelling Allowances and Rules relating thereto.

(ii) Parliamentary Secretaries and Government Whip.

(iii) Return of Election expenditure.

(iv) The Tamil Nadu Payment of Salaries Act.

The Tamil Nadu Legislature (Prevention of Dis-qualification) Act.

Ministers—Appointment and Resignation.

Miscellaneous papers.

Newspapers and periodicals—scrutiny of and submission of daily news round up and cuttings to Ministers and Secretaries.

Organising Government functions.

Other Committees and Conferences not pertaining to any other departments of Secretariat.

Passage Rules.

Policy matter relating to participation of Government department in Exhibitions—Arranging State functions such as celebration of Gandhiji's and Nehru's Birth Day, Sarvodhaya Day, U. N. Day, Plan Week, etc.

Political Hand Book.

Political offences—Prosecution and Religious or Communal Disputes.

Press Notes, Communiques and Releases of feature articles—Issue of.

Prisoners—State.

Public Order.

Public Peace—Disturbance of.

Publication—Pamphlets—Publicity materials and journals.

Publication of 'Tamil Arasu' Fortnightly in Tamil and monthly in English.

Publicity—Radio, film and General Publicity of Government's activities.

Question of General nature which cannot be allotted to any particular department.

Regional Public Relations Officer.

Release of advertisements.

Religious or communal disputes.

PUBLIC DEPARTMENT—*cont.*

State subjects—cont.

Reports—Fortnightly confidential reports.

Reports— Matters on Political and administrative importance.

Reservation of accommodation in State Guest Houses.

Resettlement and re-employment of Demobilised defence services personnel (Welfare of Ex-Servicemen).

Returns—Periodical returns regarding newspapers and books—Scrutiny and registration—Biennial statement of newspapers and half-yearly amendments.

Secretariat—

Central Despatch Branch

Central Record Branch

Library.

State Administration Report

State Emblem

State Functions

State Gazeteers.

State Warrant of Precedence

State Works and Buildings under the administrative control.

Statues—Installation and maintenance of statues at Government cost.

Tamizhagam, Ootacamund—Overall control.

Tappals—Receipt and distribution to departments of the Secretariat.

Telegrams—Reuters and News Agency.

Television Committee and the correspondence arising therefrom to the Government of India and co-ordination of all activities relating to the subject.

The Tamil Nadu Film Division.

Tourism.

Translations Wing.

Visits of Very Important Indian Personages, Commander-in-Chief Flag Officer, Commanding Indian Navy, Naval Commander-in-Chief-High Personages.

Concurrent subjects—

Civil Defence Acts and Rules.

Civil Defence measures.

Flags—Flying of—Rules, etc.

Foreign Missions.

Indian Historical Records Commission.

Laws relating to Preventive Detention.

National Integration Pledge.

Persons subjected to preventive detention under Union authority

PUBLIC DEPARTMENT—*cont*.

Concurrent subjects—cont.

Preventive Detention for reasons connected with Defence, Foreign affairs, Security of State, Security of India, Maintenance of Public Order Maintenance of supply and services executed to community—Persons subjected to such detention.

Removal from one State to another State of Prisoners, accused persons and persons subjected to preventive detention for reasons connected with the security of a State, the maintenance of Public Order or the maintenance of supplies and services essential to the community.

Tourist Publicity including co-ordination of activities of all departments in respect of "Tourist promotions".

Welfare of serving Personnel.

Union subjects—

Acquisition of Land for Military.

Acquisition of residential and non-residential property of ex-rulers and chiefs of Indian States.

Administration of Political pension—Carnatic stipends.

All India Service Rules.

Army in India—Reserve of Officers.

Ex-Army men.

Movement of Troops.

Naval, Military and Air forces in India.

Attestation of exemption certificates.

Auxiliary Air Force.

Budget—Raj Bhavan—19. General administration—D. Entertainment and hospitality charges.

Budget—Union—24. External Affairs—B4. Entertainment charges—Hospitality grant of the Government of India.

Central Government Scheme of Pension to Freedom Fighters.

Central Warrant of precedence.

Ceremonials.

Conduct of Elections to Parliament including election offences.

Consuls—

British

Foreign

Copyright.

Correspondence with foreign Government and Rulers.

Defence of India.

Detenus connected with External Affairs.

Diplomatic, Consular and Trade Representatives.

PUBLIC DEPARTMENT—*cont.*

Union subjects—cont.

Emblems and names (Prevention of Improper use) Act, 1950
Enemy Property and Enemy Trading
Field Firing Practices
Financial Assistance to Freedom Fighters (from Union-Home Minister's Discretionery Grant).
Foreign diplomats
Foreigners
French Establishments in India and Iskitipah islands
Gallantry Awards
High Court Judges appointment
Honours and titles and awards
Independence Day
Indian Chiefs and States
Laws relating to preventive detention.
Martyrs' Day
National Anthem
Naval, Military and Air Force Works.
Pensions—Union Pensions, Carnatic stipends.
Political charges
Railway lands—Jurisdiction.
Reforms.
Relations with States in India.
Release of Government held priority berth seats.
Republic Day.
Reservists.
Rules relating to correspondence with foreign Government.
Seaward Artillery Practices.
Status of foreigners having political significance.
Telephone.
Territorial Army.
Territorial changes.
Uniform (Civil).
Union Public Services, All India Services, Union Public Service Commission.
United Nations Day
Visits : Ambassadors, Distinguished foreigners, Governors or Rajpramukhs of other States.
Visits of Battleships—Indian, Foreign.
Visits of V.I.Ps.—Foreign.
Visits of V.I.Ps.—President, Vice-President and Prime Minister.

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT.

State subjects—

Amendments to the General Rules for the State and Subordinate Services.

Business of Government—Distribution among Departments of Secretariat.

Business Rules and Secretariat Instructions.

District Office Manual.

Dress Regulations

Establishment.

Examinations—Government Special and Departmental.

Fundamental Rules.

Government Servants' Conduct Rules

Hand Book of Procedure and Precedents.

Inspection of the offices of the Heads of Departments including all the branches of the Board of Revenue and Departments of Secretariat—Excluding Law Department.

Land Returns—General questions.

Man Power Planning, Training and Career Development for all Services in the State.

Office Procedure.

Petition Rules.

Public Services—Reservation of appointments and posts for Backward Classes.

Reservation of appointments and posts for Backward classes of citizens —General question.

Secretariat Office Manual.

Secretariat Staff Welfare.

Service Associations—

Recognition of Service Association—Rules.

Services under the control of the State Government Statutory Rules to regulate the method of recruitment—Conditions of Service—Revision of and amendments to the following Statutory Rules :—

General Rule for the State and Subordinate Services.

Service questions which do not relate to a particular service.

Special Rules for the Tamil Nadu General Services (So far as they relate to Under Secretaries to Government).

Superior Civil Service Rules.

The Tamil Nadu Civil Services (Classification, Control and Appeal) Rules

The Tamil Nadu Civil Services (War Service Personnel) Recruitment Rules

The Tamil Nadu General Subordinate Services (as far as they relate to Record Clerks).

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT—*cont.*

State Subjects—cont.

The Tamil Nadu Last Grade Service.

The Tamil Nadu Ministerial Service.

The Tamil Nadu Secretariat Service.

Special Tests—General Questions and exemptions.

Staff Benovalent Fund.

State Works and Buildings under the administrative control.

Tamil Nadu Civil Services Joint Council.

Tamil Nadu Joint Services District Council.

The Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules.

The Tamil Nadu Public Service Commission.

The Tamil Nadu Vigilance Commission—Director of Vigilance and Anti-Corruption.

Training—Civil Services Training,

Institute for State and Subordinate Services.

Institute of Management, Madras.

Nomination of Officers for Training courses in Administration and Management in the Institutes.

Verification of character and antecedents.

Concurrent subjects—

NIL.

Union subjects—

NIL.

AGRICULTURE DEPARTMENT.

State subjects—

Agricultural Engineering Graduate unemployment problem.

Agricultural Marketing including State Agricultural Marketing Board and Tamil Nadu Agricultural Produce Markets Act.

Agricultural Production.

Agricultural Productivity Council.

Agricultural Refinance Corporation.

Agricultural Research and extension.

Agricultural Statistics.

Agriculture including Agricultural Education, Research and Engineering and Agricultural University.

Agro Engineering and Service Co-operative Societies at the Block and District and Apex levels including the Federation.

AGRICULTURE DEPARTMENT—*cont.*

State subjects—cont.

Agro Industries Corporation.

Animal Husbandry Department including Veterinar Education and Research.

Botanical Survey.

Commercial Crops.

Cost of Living ndex. Trade, Rainfall and Livestock Statistics for purpose of State matters and of any of the matters in the concurrent field.

Dairying.

Farmers Training Centre.

Fertilisers (Chemical and Organic Manures).

Food Production—All questions relating to it.

Grow more food.

High yielding varieties Programme.

Horticulture.

Institutional Finance for Agricultural Schemes

Integrated Dry land Area Programme.

Livestock Development.

Marginal Farmers Development Agency.

Meat Industries Corporation.

Minor rrigation.

Non-minor Irrigation schemes assisted by Agricultural Refinance Corporation and International Development Association.

Plant Protection.

Poultry Development Corporation.

Prevention of the extension from one unit to another of infectious and contagious diseases or pests affecting plants and animals.

Prohibition and Amelioration.

Public Services—Statutory rules of the Services with which Agriculture department is concerned—Revision of and amendment to the rules.

Pulses.

Seeds including seed farms.

Sheep breeding.

Small Farmers Development Agency.

Soil conservation.

State Works and Buildings under the administrative control of this department.

Sugarcane (both industrial and production aspects) Research and Development and Road Development Schemes.

Tamil Nadu State Farms Corporation.

Vegetables—Schemes.

AGRICULTURE DEPARTMENT—*cont.*

Concurrent subjects—

Banana and Fruit Development Corporation.
Statistics for the purpose of any of the matters in the concurrent field.

Union subjects—

Centrally sponsored Drought Prone Area Programme.
Meteorology—Union Organisation.

COMMERCIAL TAXES AND RELIGIOUS ENDOWMENTS DEPARTMENT.

State subjects—

Betting Tax Act.

Board of Revenue (Commercial Taxes).

Board of Revenue (Settlement).

Chit Funds Act.

Commercial Taxes.

Court of Wards subject to the provisions of entry 34 in the Union List, encumbered and attached estates.

Entertainments Tax.

Estates Abolition Act.

Estates Land Act.

General Sales Tax.

Motor Spirit Tax.

Public Service—Statutory rules of the services with which the department is concerned—Revision of and amendment to those rules.

Registration.

Rent Reduction Act.

Settlement.

Stamp duty on documents—Rates of

State Works and buildings under the administrative control of the Commercial Taxes, Hindu Religious and Charitable Endowments and Registration Department.

Survey—Frontier boundry disputes.

Concurrent subjects—

Charities and Charitable institutions, Charitable and religious endowments and religious institutions.

Registration of deeds and documents.

Stamp duties other than duties of fees collected by means of Judicial Stamps but not including rates of stamp duty.

Union subjects—

Stamp duty—Rate of, in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit—Survey of India.

CO-OPERATION DEPARTMENT.

State Subjects—

Agro Engineering and Service Co-operative Centre.

Co-operatives, Co-operative Education, Co-operative Legislation and Co-operative Audit.

Co-operative Farming Societies but excluding Housing.

Co-operative Societies including Co-operative Banks.

Lift Irrigation Co-operative Societies.

Minor Irrigation Schemes financed by Agricultural Refinance Corporation and World Bank.

Money lending and Money lenders :—Pawn Brokers Act.

Agriculturists Relief Act.

Debtors Protection Act.

Debt conciliation Act and relief of Agricultural indebtedness.

Rural indebtedness.

Tamil Nadu Agro Engineering Service Co-operative Federation.

Tamil Nadu Lift Irrigation Co-operative Federation.

Usurious Loans Act.

Concurrent subjects—

Tamil Nadu Land Development Banks Act.

Union subjects—

Nil.

EDUCATION DEPARTMENT

State subjects.—

Arts and Crafts.

College of Arts and Crafts, Madras.

School of Arts and Crafts, Kumbakonam.

Sculpture Training School, Mahabalipuram.

Arts and Culture.

Literary, Scientific Religious and other Societies and Associations

Promotion of Arts and Culture.

Tamil Nadu Iyal Isai Nataka Mandram.

Education—

Archaeology.

Assistance to Non-Government Primary Schools, Secondary Schools and Local Bodies.

Books and Periodicals—Question relating to their purchase and supply to Public Offices.

EDUCATION DEPARTMENT—*coni.*

State Subjects.—cont.

Correspondence—Official correspondence in Regional languages.

Educational Television—Training of Personnel for Educational Television Programmes—Provision of Television sets for Schools and other Educational Institutions.

Examinations conducted by the Commissioner for Government Examinations and Director of Technical Education—Tamil Nadu Text-Book Society.

Grants for the Publication of Books.

Implementation of Tamil Development Schemes.

Local Library Authority.—

Public Libraries General.

Museums.—

Official language Policy.

Preservation and Translation of ancient manuscripts.

Publicity—Free or concessional supply of Government Publications.

Social Security measures—Scholarships.

Training Schools, Anglo-Indian Schools.

Public Services.—

State works and buildings under the Administrative control of this department.

Statutory Rules of Services with which this department is concerned. Revision of and amendments to those Rules.

Tamil Nadu Archives.

Sports and Youth Welfare—

Bharat Scouts and Guides.

Nehru Yuvak Kendras.

Physical Education.

Sports Councils.

Technical Education.—

Engineering College.

Institute of Catering Technology.

Institute of Chemical Technology

Institute of Leather Technology

Institute of Maths Science.

Institute of Sugar Technology.

Madras Institute of Technology.

Polytechnics.

Regional School of Printing Technology.

EDUCATION DEPARTMENT—*cont.*

Universities.—

Assistance to Non-Government Colleges; School of Social work at Madras and Madurai, Tamil Nadu Isai Kalloori.

Government Colleges, Law Colleges.

Medium of instruction in Colleges; Council of Historical Research.

Training Colleges.

Concurrent Subjects.—

Authentic Tamil Spellings of Geographical names of Towns and Villages.

Cultural activities Visits of foreign cultural Delegations.

National Cadet Corps.

National Service Corps.

National Service Scheme.

Union Subjects.—

Ancient and Historical monuments of National importance.

Archaeology and Epigraphy of National importance.

Technical Teachers Training Institute.

The Indian Museum and any other similar institutions controlled or financed by Union Government.

The National Library of India.

Union Agencies and Institute for research for Professional or Technical Training or for the promotion of special studies.

FINANCE DEPARTMENT

State Subjects.—

Accounts—Control of Accounts—Organizations under Heads of Departments in connection with State Training Schemes, Postwar Development Schemes, etc.

Accounts, State (including clasifications and prescription of units).

Advance Grants—Votes of credits and exceptional grants.

Annual Financial statement and Appropriation Bill (Budget).

Appropriation Accounts and Auditor - General's report thereof.

Audit of receipts and accounts of Stores and Stock.

Central Budget Data Processing Centre.

Commercial Accounts.

Committees and Conferences of Heads of Nation Building Departments.

Consolidated fund of the State.

Contingency Fund of the State—Sanction of advances.

FINANCE DEPARTMENT—*cont.*

State Subjects.—cont.

Economics in Expenditure.

Famine Relief Fund.

Financial Rules.

Governor's Address.

Loans and Advances.

Local Fund Audit.

Organisation and Methods Cell

Post-war Re-construction—Five Years Plan—Financial Co-ordination and Development Schemes.

Public Debt of the State (including borrowings from the Government of India).

Public Services—Statutory Rules of the Services with which the department is concerned—Revision of and amendment to those rules.

Public Services—Statutory Rules to regulate pay (including revised scales of pay) and allowances—Amendments to the Pay Schedule in the Appendix to the Tamil Nadu Services Manual.

Explanation.—

Rules regarding pay which form an integral part of the Statutory Rules relating to a service will be dealt with by the departments of the Secretariat concerned with the particular service or services.

Reappropriations.

Re-employment of Civil Pensioners.

Second Pay Commission.

Secretariat—Central Cash Bureau.

Small Savings Schemes.

State Balances.

State Pensions, i. e., pensions payable by the State or out of the consolidated fund of the State—Statutory Rules governing such pensions and Provident Fund (excluding Indian Civil Service Annuities, I. C. S. Provident Funds and the Indian Civil Service Family Pension Fund).

State Raffle Scheme.

Supplementary, additional or excess grants and Statements of expenditure.

Taxation and allied measures—Initiation of.

Travelling Allowances Rules.

Treasuries.

Treasury Rules.

Union taxes and duties in which the States are interested such as Income-tax, Union Excises, etc.,

Ways and Means.

FINANCE DEPARTMENT—*cont.*

Concurrent Subject—

Economics and Social Planning.

Union Subjects—

Corporation Tax.

Currency, coinage and legal tender.

Finance Commission (recommendation).

Foreign Exchange.

National Savings Certificate.

Planning Commission including all general questions relating to Planning and General Co-ordination of Planning works.

Public Debt of the Union.

State Planning Commission.

Union pensions, (i.e. pensions payable by the Government of India or out of the consolidated fund of India).

FOOD DEPARTMENT.

State Subjects—

Civil Supplies Department.

All matters relating to the establishment of the Civil Supplies Department.

Distribution of rice through fair price and ration shops.

Food Policy.

Issue of permits.

Millets.

Motor Vehicles and Stores.

Movement of food grains.

National Consumer Service Prices.

Procurement of Paddy and Rice.

Procuring Agents and Hulling Agents.

Storage, Godowns and Buildings.

Supply to bulk consumers.

Tamil Nadu Civil Supplies Corporation.

Tamil Nadu Warehousing Corporation.

Concurrent subjects—

Central Warehousing Corporation.

Sugar, Gur, Khandasari, Wheat, Kerosene and Petroleum Products, Pulses, Tapioca, Milo, Potato and Infant and Invalid food.

Tamil Nadu Warehousing Act, 1951 and Tami Nadu Warehousing Rules, 1953.

FOOD DEPARTMENT—*cont.*

Concurrent Subjects—cont.

The Tamil Nadu Foodgrains Dealers Licensing Order, 1968.

The Tamil Nadu Paddy and Rice Dealers (Licensing, Regulation and Disposal of Stocks) Order, 1968.

The Tamil Nadu Paddy and Rice (Declaration and Requisitioning of Stocks) Order, 1967.

The Tamil Nadu Paddy and Rice (Maximum Prices) Order, 1964.

The Tamil Nadu Paddy and Rice Movement Control Order, 1970.

Quality control.

Vanaspathi, Tamil Nadu Vanaspathi Dealers Licensing Order, 1969.

Vegetable Oils.

Union subjects—

Essential Commodities Act, 1955.

Modern Bakeries.

Rice (Southern Zone) Movement Control Order, 1957.

The Rice Milling Industry (Regulation) Act, 1958.

The Rice Milling Industry (Regulation and Licensing) Rules, 1959.

The Roller Mills Wheat Products (Ex-Mill) Price Control Order, 1969.

The Southern States (Regulation of Export of Rice) Order, 1964.

The Wheat Roller Mills Wheat Products (Price Control) Order, 1965.

FOREST AND FISHERIES DEPARTMENT.

State subjects—

Acts and Rules and Legislation proposals relating to the Fisheries Department.

Agricultural Census.

Cashew Plantation under the control of the Chief Conservator of Forests.

Cinchona Department.

Fisheries Department.

Fishing and Fisheries beyond territorial waters.

Fisheries Development Corporation.

Forest Plantation Corporation.

Institutional Finance Schemes relating to Forest and Fisheries.

Master Plan for integrated Development of Wild Life sanctuaries in the States of Karnataka, Kerala and Tamil Nadu.

Public Services—Statutory rules of the Services with which the Department is concerned—Revision of and amendments to the rules.

Rubber Plantations under the control of Chief Conservator of Forests.

Soil Conservation Scheme relating to the Forest Department.

FOREST AND FISHERIES DEPARTMENT—*cont.*

State Subjects—cont.

State Works and Buildings under the administrative control of the department.

Statistics.

Tea Plantation Corporation.

Zoological Gardens other than those under the local bodies.

Concurrent subjects—

Acts and Rules and Legislation Proposals relating to the Forest Department.

Forests.

Protection of Wild Animals and Birds.

Union subjects—

Nil.

HEALTH AND FAMILY WELFARE DEPARTMENT.

State subjects—

Administration of Public Health and Medical Relief in the State and appeals from Public Health and Medical Relief Staff in the Corporation of Madras and Local bodies.

Appeals from Public Health staff employed in local bodies and Municipal Councils.

Burials and burial-grounds ; cremation and cremation grounds.

Education (Medical and Health Education).

Fairs and Festivals.

Family Welfare.

Medical and Public Health Stores—Rules and General questions.

Mortuaries.

Public Health and Sanitation, Hospitals and Dispensaries.

Publicity—Free or concessional supply of Government Publications.

Public Services—Statutory rules of the services, with which the department is concerned—Revision of and amendments to those rules.

State Works and Buildings under administrative control of the department.

Concurrent subjects—

Adulteration of foodstuffs.

Drugs and poisons subject to the provisions of entry 59 of list I with respect to opium (Drugs Control Act).

Lunacy and mental deficiency including places for the reception or treatment of lunatics and mental deficients.

Medical, Public Health and other professions.

HEALTH AND FAMILY WELFARE DEPARTMENT—*cont.*

Concurrent Subjects—cont.

Prevention of the extension from one State to another of infectious or contageous diseases or pests affecting men.

Social Insurance (Medical facilities under the Employees' State Insurance Act, 1948).

Vital statistics including registration of births and deaths.

Union subjects—

Port quarantine including hospitals connected therewith, seamen's and Marine hospitals.

Union Agencies and Institutes for research for professional or technical training, or for the promotion of special studies.

HOME DEPARTMENT.

State subjects—

Administration of Justice, Constitution and Organisation of all Courts except the Supreme Court and the High Court ; Officers and servants of the High Court; Fees taken in all Courts except the Supreme Court.

Administration of the Tamil Nadu Prohibition Act and enforcement of Prohibition.

Aditional and Assistant Sessions Judges.

Age and Nationality.

Betting and Gambling except State Lotteries.

Borstal Institutions.

Buildings :

(i) De-requisitioning of Buildings.

(ii) Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 Administration of.

Certificate of age and qualification.

Civil Court except the Constitution and Organisation of High Court.

Civil Justice Report.

Coroners.

Criminal appeals.

Criminal Justice Report.

Criminal Rules of Practice.

Discharged Prisoners' Aid Society.

Distribution of tyres and tubes.

Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India :—

(*a*) Alcoholic liquors for human consumption.

HOME DEPARTMENT—*cont.*

State subjects—cont.

(*b*) Opium, Indian hemp and other narcotic drugs and narcotics; but not including medicinal and toilet preparations containing alcohol or any substance included in the item. Intoxicating liquors, that is to say, the production, manufacture possession, transport, purchase and sale of intoxicationg liquors.

Excise duties on tobacco and other goods manufactured or produce in India except those assigned to the State.

Hackney Carriages Act.

Jail and Judicial Departments.

Jail and Sub-Jails.

Judicial and Executive functions—Separation of

Jurisdiction and powers of all Courts except the Supreme Court with reference to any of the matters in the State list.

Justice of the peace.

Kazis Act.

Law Officers other than those attached to the High Court.

Licensing and control of distilleries.

Tamil Nadu Fire Service.

Nationalisation of Transport under the Motor Vehicles Act.

Tamil Nadu Probation of Offenders Act.

Magistrates.

Motor Vehicles Act.

Open Places (Prevention of disfigurement) Act, 1959.

Police, including railway and village Police.

Presidency Magistrates and Courts.

Prisoners.

Prisoners Act and Rules.

Publice Services—Statutory Rules of the Services with which Home Department is concerned—Revision of and amendments to those rules.

Remission and Commutation of sentences.

Residuary matters concerned with State Excise Law.

State Works and Buildings under the control of Police.

Taxes on Motor Vehicles.

Theatres and Dramatic Performances; Cinemas except sanctioning of films for exhibition.

Town Nuisance Act.

Vehicles other than mechanically propelled vehicles.

Village Courts Act.

Concurrent Subjects:

Administrator-General and Official Trustee.

Administrator-General's Act, 1913.

HOME DEPARTMENT—*cont.*

Concurrent subjects—cont.

Bankruptcy and Insolvency.

Bigamy Prevention and Divorce Act.

Child Marriage Restraint Act.

Contempt of Court but not including contempt of the Supreme Court.

Criminal Law including all matters included in the Indian Penal Code on the date of commencement of the Constitution.

Criminal Lunatics including places for reception of treatment of such lunatics.

Criminal Procedure including all matters included in the Code of Criminal Procedure at the commencement of the Constitution.

Drugs and narcotics, subject to the provisions of the entry in the Union List in respect of opium.

Habitual offenders.

Indian Christian Marriage Act.

Indian Poisons Act.

Jurisdiction and powers of all Courts except the Supreme Court with respect to any of the matters in the concurrent list.

Marriage and divorce.

Mechanically propelled vehicles.

Official Trustees Act, 1913.

Petitions for mercy from sentence of death.

Prevention of cruelty to animals.

Prisoners and accused persons—Removal from one State to another State.

Registration of Births, Deaths and Marriages (Central Act).

Royal Humane Society.

Union subjects—

Admission into and emigration and expulsion from India.

Arms, firearms, ammunition and explosives.

Central Bureau of Intelligence and Investigation.

Cess on Beedi.

Citizenship.

Constitution and Organisation of the High Courts except provisions as to officers and servants of the High Courts.

Control of entry into India from West Pakistan and permit system Rule.

Cultivation, manufacture and sale for export of opium.

Duties of excise on Medicinal and toilet preparations containing alchohol or opium, Indian hemp and other narcotic drugs and narcotics.

Extension of jurisdiction of a High Court having its principal seat in any State to and exclusion of the jurisdiction of any such High Court from any area outside that State.

HOME DEPARTMENT—*cont.*

Union subjects—cont.

Extradition.

Indians-Overseas.

Inter-State migration.

Jurisdiction and powers of all courts except the Supreme Court with respect to any of the matters in the Union list.

Lotteries organized by the Government of India or other State Governments.

Passports and Visas.

Petroleum and petroleum products and other liquids and substances declared by Parliament to be dangerously inflammable.

Pilgrimages to places beyond India including Hedijez.

Police—Extension of the powers and jurisdiction of members of a Police Force belonging to any State to any area outside the State but not so far as to enable the Police of one State to exercise power and jurisdiction in any area outside that State without the consent of the Government of the State in which such area is situated. Extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside the State.

Sanctioning of cinematograph films for exhibition.

HOUSING DEPARTMENT.

State subjects—

Co-operative Housing Societies and Tamil Nadu Central Housing Mortgage Societies.

Housing Scheme including construction of quarters for Government servants under Tamil Nadu Governemet servants Rental Housing Schemes.

Slum Clearance Scheme.

Tamil Nadu Slum Areas (Improvement, Clearance) Act 1971.

Tamil Nadu State Housing Board Act.

Concurrent subjects—

Central Scheme for the environmental improvement of slums in the City of Madras.

Provision of House sites to landless rural workers.

Union subjects—

Nil.

INDUSTRIES DEPARTMENT.

State subjects—

Cottage Industries under the control of Director of Industries and Commerce.

Development of Khadi, Village Industries Programme Development of Industries including cottage and village industrial co-operatives coming within the purview of the State Khadi and Village Industries Board.

Handloom Industry.

INDUSTRIES DEPARTMENT—*cont.*

State subjects—cont.

Incorporation, regulation and winding up of Corporations other than those specified under " Union subjects " ; unincorporated trading, lirteracy, scientific, religious and other societies and associations.

Intoxicating liquors, that is to say the production, manufacture, possession, transport, purchase and sale of intoxicating liqours " **for industrial purposes** ".

Manufacture of Television sets and Review of the Progress of the Industry.

Mines and oil fields and development of Mineral resources.

Public Services—Statutory Rules of the services with which the department is concerned—Revision of and amendments to those rules.

Purchase of materials, stores, machinery or other goods mentioned in Appendix 5 to the Tamil Nadu Financial Code, Volume II required for the State—Matters of policy——Regarding.

State Khadi and Village Industries Board.

State works and Buildings under the administrative control of this department.

Taxes on Mineral rights.

Textiles.

Trade and Commerce other than Enemy Trading.

Concurrent subjects—

Contracts, including partnership, agency, contracts of carriages and other special forms of contract but not including contracts reltaing to agricultural land.

Control orders relating to drugs, paper, newsprints and textiles.

Geological Survey.

Scheduled Areas (Laccadive islands including Minicoy and Amindivi i slands).

Union subjects—

Capital issues and import trade.

Control orders relating to coal and coke, iron and steel.

Customs duties including export duties.

Development of Industries where development under Union control is declared by Union Law to be expedient in the public interest.

Import and Export across customs frontier.

Incorporation, regulation and winding up of Trading Corporations including Banking, Insurance and financial Corporation but not including Co-operative Societies.

Indian Companies Act.

Inventions, designs, trade marks and merchandise marks.

Mines and oil fields and mineral development—Regulation of to the extent to which such regulation and development under Union control is declared by the Union law to be expedient in the Public interest and regulation of labour and safety in mines and oil fields.

Rural Industries Project.

INDUSTRIES DEPARTMENT—*cont.*

Union subjects— cont.

Salt

(*a*) Maintenance, supply and distribution of salt by Union Agencies regulations and control of manufacture, supply and distribution of salt by other agencies.

(*b*) Zonal scheme for distribution.

Sugar Industry.

Tariffs.

Taxes on the capital of individuals or of companies.

LABOUR AND EMPLOYMENT DEPARTMENT.

State subjects—

Administration of Tamil Nadu Weights and Measures (Enforcement) Act, 1958.

Public Services Statutory Rules of the Services with which the Department is concerned—Revision of and amendment to those rules.

Relief of the unemployed.

Concurrent subjects—

Agricultural Labour

All India Labour Ministers conference, Standing Labour Committee.

Indian Labour Conference, National Commission on Labour.

Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

Code of Labour discipline and grievance — Proceedure.

Contract Labour (Regulation and Abolition) Act, 1970.

Craftsmen Trajning, Apprentiteship Training.

Employees Provident Funds Act, 1952.

Employees' State Insurance Act, 1948.

Employment of Children Act.

Employment Exchanges (Compulsory Notification of vacancies) Act, 1959.

Factories.

Fair Price shops for Industrial Workers.

Indian Trade Unions Act, 1926.

Industrial Disputes Act, 1947.

Industrial Employment (Standing Orders) Act, 1946.

Industrial Labour.

Industrial and Labour Disputes.

Labour Courts and Industrial Tribunals.

Maternity Benefits Act, 1961.

Motor Transport Workers Act, 1961.

Payment of Bonus Act, 1965.

Payment of Gratuity Act, 1972.

Payment of Wages Act, 1936.

Plantations Labour Act, 1951.

Social Security and Social Insurance; employment and unemployment.

Tamil Nadu Catering Establishment Act, 1958.

Tamil Nadu Industrial Establishments (National and Festival Holidays) Act, 1958.

LABOUR AND EMPLOYMENT DEPARTMENT—*cont.*

Concurrent subjects—cont.

Tamil Nadu Shops and Establishments Act, 1947.

The Apprentices Act, 1961.

The Factories Act, 1948.

The Minimum Wages Act, 1948.

The Tamil Nadu Labour Journal—Labour Law Journal.

The Workers Education Scheme, Workers Participation and management and Productivity.

The Working Journalists Act, 1947.

The Working Journalists (conditions of service) and Miscellaneous Provisions Act, 1955.

The Tamil Nadu Labour Welfare Fund Act, 1972.

Vocational and Technical Training and Labour.

Wage Boards.

Weekly Holidays Act.

Welfare of Labour including conditions of work, employers liability, invalidity and oldage pensions and maternity benefits, bonus.

Workers' Compensation Act, 1923.

Union subjects—

Civil Pioneer Force and Civil Labour Units.

Establishment of Standards of Weights and Measures.

International Labour Organisation.

Tea Districts Emigrant Labour Act.

LAW DEPARTMENT.

State subjects—

Acts.

Advising Government in matters of litigation, appeals, etc., on legal questions which are not of sufficient importance to necessitate a reference to the Advocate-General.

Bills, non-Official—Scrutiny of

Civil Law.

Civil Procedure including all matters included in the Code of Civil Procedure at the commencement of the Constitution.

Civil Rules of Practice.

Escheats.

Generally to assist other departments in all matters of legal nature that may be reffered to it.

Government Bills—Drafting and scrutiny.

Law Officers—Reference to.

Legal and Legislative Publications such as Codes, Acts, Manuals, etc.

LAW DEPARTMENT—*cont.*

State subjects—cont.

Legal assistance to Government servants.

Legislation—Secretariat Work connected with.

Legislature—Rules of procedure and standing orders of—Scrutiny of Notifications—Scrutiny of.

Republication of Central Bills, Acts and Ordinances.

State Law Reports.

Subsidiary Legislation, viz., Statutory Rules and Orders.

Concurrent subjects—

Adoption.

Arbitration.

Domicile.

Evidence and oaths.

Indian Bar Councils Act.

Infants and minors.

Limitation Act.

Transfer of property (other than agricultural land).

Trusts and Trustees (excluding the Administrator—General's Act, 1913 and the Official Trustees Act, 1913).

Wills, intestacy and succession.

Union subjects—

Nil.

LEGISLATIVE ASSEMBLY DEPARTMENT.

State Subjects—

Assets and Liabilities of Legislators, Presiding Officers and Minister Declaration of.

Cash and Contingencies.

Committees constituted under the Rules of Procedure of Assembly.

Common-wealth Parliamentary Association.

Conference of Presiding Officers.

Co-ordination of answers to questions.

Elections to the Tamil Nadu Legislative Council and the Rajya Sabha by the Members of the Assembly Conduct of.

Establishment Legistators Hostel—Administration of

Legislature Library.

Members of the Legislative Assembly—All questions relating to and the Tamil Nadu Legislative Assembly Travelling Allowance Rules.

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LEGISLATIVE ASSEMBLY DEPARTMENT—*cont.*

State subjects—cont.

Presiding Officers—All questions relating to the Speaker and the Deputy Speaker, Chairman of the Assembly, Committees and Secretaries of Legislative Bodies in India.

State Legislature—Business relating to the Legislative Assembly under the Constitution and the Rules of Procedure.

Summoning, Prorogation and Dissolution of the Legislative Assembly.

Tamil Nadu Legislative Assembly Secretariat Service.

Concurrent subject—

Prohibition of simultaneous Membership Act.

Union subject—

Members of Parliament.

LEGISLATIVE COUNCIL DEPARTMENT.

State subjects—

Cash and contingencies.

Despatch and Records.

Disclosure of assets of the Members of the Legislative Council.

Establishments.

Members of the Legislative Council—All questions relating to and the Tamil Nadu Legislature Travelling Allowances Rules.

Pay and Allowances—Drawal and disbursement of.

Presiding Officers—All questions relating to the Chairman and the Deputy Chairman—Conferences and Committees of Rules of Procedure of the Council.

State Legislature—Business relating to the Legislative Council under the Constitution and the Rules of Procedure.

Stationery and Stores.

Summoning and Prorogation of Legislative Council.

Tamil Nadu State Legislative Council Secretariat Service Rules.

Watch and Ward.

Concurrent subject—

Prohibition of Simultaneous Membership Act.

Union Subject—

Members of Parliament.

PUBLIC WORKS DEPARTMENT.

State subjects—

Canals.

Communications, that is to say, roads, bridges, ferries and other means of communication excepting Highways declared by or under law made by Parliament to be National Highways.

PUBLIC WORKS DEPARTMENT—*cont.*

State subjects—cont.

Gas and gas works.

Ground Water Project.

Inland waterways and traffic thereon, as regards vessels other than mechanically propelled vessels except in respect of waterways declared by Parliament by law to be National waterways.

Irrigation other than Minor irrigation works but including special Minor irrigation works and desilting-*cum*-reclamation works.

Isolated tombs of European Government servants and their families including isolated tombs of historical or archaeological interest and or British soldiers, non-commissioned officers and their families.

Mettur Township Committee.

Public Services—Statutory Rules of the services with which the department is concerned — Revision of and amendments to those rules.

Public Works Department (Bridges and roads on canal banks and tank-bunds, ropeway, ferries, etc.).

Railway accidents.

Rivers—Conservancy.

Roads including National Highways.

Taxes on boats.

Taxes on the consumption or sale of electricity.

Television studies and Tower relating to the Civil Works and Technological aspects of revolving Television Tower.

Water Power except in regard to regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the Public interest.

Works and buildings under the administrative control of the Public Works, Highways, Electricity, Port and National Highways Departments.

Concurrent subjects—

Boilers

Electricity.

Inland Water Transport.

Over Bridges.

Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways and the carriage of passengers and goods on inland waterways except in regard to those waterways declared by Parliament by law to be National Waterways.

Sub-ways.

PUBLIC WORKS DEPARTMENT—*cont.*

Union Subjects—

Aircraft and air navigation ; regulation and organisation of air traffic and of aerodromes.

Carriage of passengers and goods by Railways, Sea or Air, or by National Waterways in mechanically propelled vessels.

European cemeteries.

Posts and Telegraphs, including wireless, broadcasting and other like forms of communications ; but excluding telephones.

Railways :

Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the Public interest.

Shipping and navigation on inland waterways declared by Parliament by law to be National Waterways, as regards mechanically propelled vessels ; the rule of the road on such waterways.

Taxes on railway fares and freights.

Terminal taxes on goods or passengers in or in the possession of the Union.

REVENUE DEPARTMENT.

State subjects—

Administration of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971 and the rules framed thereunder.

Agricultural Census.

Alienation of lands under Board's Standing Order 24 to Local Bodies, Private Institutions and individuals for public purposes.

Appeals under the Tamil Nadu Land Encroachment Act, 1905 and other encroachment cases.

Assignment of lands for non-agricultural purposes including house sites.

Board of Revenue (Land Revenue) and District Revenue Establishment.

Colonisation and Land Development including Andaman Islands.

Embezzlement of Land Revenue.

General questions relating to land acquisition.

Haj

Indian Treasure Trove Act.

Irrigation.

Jamabandhi.

Jurisdiction and change of name of districts, divisions, taluks, sub-taluks and villages.

REVENUE DEPARTMENT—*cont.*

State subjects—cont.

Land leases.

Land reforms—Tenancy legislation.

Loans and advances under the Land Improvement and Agricultural Loans Act.

Management of Government Estates.

Pension—Hereditory not being political.

Railway and Military lands.

Railway Protection Act.

Revenue Malversation Regulation Act.

Revenue Recovery Act.

Sanction of staff for general increase of work relating to implementation of land Ceiling Acts.

Succession to Agricultural land.

Tahsildars and Deputy Tahsildars.

Tamil Nadu (Land Revenue) Additional Surcharge Act, 1955.

Tamil Nadu Agricultural Income-Tax Act, 1955 and all connected matters.

Tamil Nadu Agricultural Land Record of Tenancy Rights Act.

Tamil Nadu City Tenants Protection Act.

Tamil Nadu Civil Service (Executive Branch) Deputy Collectors.

Tamil Nadu General Service.

Tamil Nadu Inam (Assessment) Act, 1956.

Tamil Nadu Irrigation (Levy of Betterment Contribution) Act, 1955.

Tamil Nadu Land Reforms (Fixation of Ceiling on Land Act, 1961) (Tamil Nadu Act 58 of 1961).

Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970.

Tamil Nadu Urban Land Tax Act, 1966 and all connected matters.

Tamil Nadu Requisitioning and Acquisition of Immovable Property Act, 1956.

The Requisitioning and Acquisition of Immovable Property Act, 1952.

Transfer of land between Central and State Governments.

Transfer of lands from one head to another head and from one department to another of the State Government.

Village Officers.

Work connected with the High Power Committee on Land Reforms.

Concurrent subjects—

Matters relating to Cyclone and Floods.

Union subjects—

Centrally Sponsored Scheme relating to settlement of landless agricultural labourers.

REVENUE DEPARTMENT—*cont.*

Union subjects—cont.

Drought relief measures in the State.

Evacue Property Law—Administration of Evacue Property Act, 1950.

Recovery and write-off of and advances granted to refugees from Pakistan.

Rehabilitation and Resettlement of repatriates from Sri Lanka,

Repariates from Burma—Reception and their accommodation.

Sanction of staff for drought relief.

RURAL DEVELOPMENT AND LOCAL ADMINISTRATION DEPARTMENT.

State subjects—

Administrative control of Courtallam, Kodaikanal, Metturand Bhavani-sagar Townships.

All matters relating to Tamil Nadu State Bhoodan Yagna Board.

Appeals from employees of local bodies other than Public Health staff.

Applied Nutrition Programme.

Appointment and service matters relating to teachers and non teaching staff working in the Education branch (e.g. Educational Officer and Supervisor) of Municipalities , Townships and Corporations.

Cancellation of a resolution passed by a Municipal Council relating to elementary education, if the Municipal Council has exceeded the powers vested in it.

Capitation taxes—Taxes on the entry of goods into local area for consumption, use or sale therein.

Communications that is to say, roads and bridges vesting in local bodies (Village Road Development Co-operative Schemes).

Community Development.

Corporations of Madras and Madurai.

Development of Rural Arts and Crafts, Bhoodan and Gramdhan Schemes.

District Development Councils Act, 1958—Elections relating to Municipal Corporations, Municipalities, Panchayat Unions and Panchayats.

Fees (Licence fees levied by local bodies in respect of Public Health matters).

Foreign Volunteers Programme.

Inns and Inn-keepers.

Installation and Maintenance of Statues by any other body or individual (not by Government).

Kuzhanthaigal Kappagam.

Local Boards—General administration and all matters relating to them not specifically assigned to other departments.

Local bodies—Audit report of.

RURAL DEVELOPMENT AND LOCAL ADMINISTRATION DEPARTMENT—*cont.*

State subjects—cont.

Local Development Works under Five-Year Plans.

Local Government, that is to say, the Constitution and powers of Municipal Corporation, District Boards and other local authorities for the purpose of local self Government or Village Administration.

Maintenance of Rural T.V. Sets, etc.

Markets.

Metropolitan Traffic Study.

Municipalities—Panchayats and Panchayat Union Council Constitution, abolition and dissolution and general administration and all matters relating to them not specifically assigned to other departments.

National Extension Service Schemes.

National Programme or non-student youth Rural Man Power Scheme Yuvak Mandals—Review of Plan Scheme.

Organisation of Radio Rural Forums—Panchayat Radio Maintenance Organisation.

Panchayat Development—All matters relating to it not specifically assigned to other departments.

Post-war reconstruction Development Schemes.

Prosperity Brigade Scheme ; Youth Workers Training.

Public Services—Statutory Rules of the services with which this department is concerned—Revision and amendments to those rules.

Rural Industrial Programme.

Rural Welfare (excluding Harijan Welfare and Administration of Scheduled areas.)

Special Rural Works Programme.

State Works and Buildings under the administrative control of this department.

Streets—Change of names of streets received from the local bodies —Approval of Government.

Taxes on advertisements other than advertisements published in newspapers leviable by local bodies.

Taxes on animals.

Taxes on lands and buildings.

Taxes on professions, trades, callings and employments.

Theatres and dramatic performances, Cinemas (Places of Public Resort Act.)

The Tamil Nadu Water Supply and Drainage Board.

Tolls (including tolls on Vehicles and animals entering a notified festival area).

Town Planning.

Tribunal Development Blocks.

Zoological gardens.

RURAL DEVELOPMENT AND LOCAL ADMINISTRATION DEPARTMENT—*cont.*

Concurrent subjects—

Fees (Licence fees levied by local bodies in respect of Public Health matters).

Pilgirim Tax.

Union subjects—

Nil.

SOCIAL WELFARE DEPARTMENT.

State Subjects—

Bonded Labour.

Children Act.

Monigar Choultry including the other Charitable Institutions namely Firends-in-need society, Madras and Ooty and Salvation Army, Madras.

Nutrition.

Promotion of Inter-Caste Marriages and such other measures as are necessary to usher in a castless society.

Reclamation of Kallars, Koravars, Sugalis and Yenadis.

Removal of Civil disabilities.

Schools for the blind and for the deaf children.

Senior and Junior approved schools and allied matters.

Welfare and advancement of Scheduled Castes and Scheduled Tribes including eradication of untouchability.

Welfare and advancement of de-notified Tribes

Welfare and advancement of Backward Classes and Most Backward Classes.

Welfare and advancement of Women.

Welfare and advancement of Orphans.

Welfare and Rehabilitation of Leprosy Beggars—Prevention of Begging Act—Care of Beggars—Care of old and infirm persons.

Welfare of Pre-school children.

Welfare and Rehabilitation of physically handicapped.

Welfare and Rehabilitation of mentally handicapped children.

Youth Service Corps.

Concurrent Subjects—

Scheduled Castes, Scheduled Tribes and other Backward Classes.

Suppression of Immoral Traffic in Women and Girls Act, 1956.

Union Subjects—

Nil.

TRANSPORT DEPARTMENT.

State Subjects—

Government Presses.

Liveries and Clothing.

Motor Vehicles Maintenance Organisation.

Nationalisation of Bus Transport *except* under the Motor Vehicles Act.

Nationalised Bus Transport.

Public Services—StatutoryRules of the Services with which this department is concerned—Revision of and amendments to those rules.

Shipping Corporation.

Stationery and Printing Department.

Works and Building under the Administrative control of the Port Department.

Concurrent subjects—

Level crossings across Railway lines.

Ports other than those declared by or under law made by Parliament or existing law to be major ports.

Rail Transport including land acquisition but excluding matters pertaining to overbridges and subways.

Union Subjects—

Carriage of passengers and goods by sea in mechanically propelled vessels.

Highways including National Highways.

Light houses including light ships, beacons and other provision for the safety of shipping and aircrafts.

Maritime shipping and navigation including shipping and navigation on tidal waters ;

Provision of education and training for the mercantile marine and regulation of such education and training provided by State and other agencies.

SECOND SCHEDULE

(*See* **rules 8, 14 -and 35.**)

CASES TO BE BROUGHT BEFORE THE COUNCIL.

1. Proposals for the appointment or removal of the Advocate-General.

2. Proposals to dissolve the Legislature of the State.

3. Decision on questions arising as to whether a Member of a House of the Legislature of the State has become subject to any disqualification under Article 191 and any proposal to refer such questions for the opinion of the Election Commission ; or to recover or to waive the recovery of the penalty due under Article 193.

4. The annual financial statements to be laid before the Legislature and demands for supplementary, additional or excess grants.

Explanation :—Any supplementary statement of expenditure to be laid before the Legislature may, instead of being considered at a meeting of the council of Ministers, be circulated to all the Ministers for orders.

5. Proposals relating to rules to be made under Article 208, clause (3)

6. Proposals for the making or amending of rules under Article 234.

7. Proposals for the issue of a notification under Article 237.

8. Any proposal involving any action of the dismissal, removal or suspension of a Member of the Public Service Commission.

9. Any proposal for legislation including the issue of an Ordinance under Article 213.

10. Cases in which the attitude of the Government to any resolution or a Bill to be moved in the Legislature is to be determined.

11. Proposals for the imposition of a new tax or any change in the method of assessment or the pitch of any existing tax or land revenue or irrigation rates or for the raising of loans on the security of the revenues of the State or for the giving of a guarantee by the Government of the State.

12. Any proposal which affects the finances of the State which has not the consent of the Finance Minister.

13. Any proposal for reappropriation to which the consent of the Finance Minister is required and has been withheld.

14. Proposals involving the alienation either temporary or permanent or of sale, grant or lease of Government property exceeding Rs. 50,000 in value, except when such alienation, sale, grant or lease of Government property is in accordance with the rules or with a general scheme already approved by the Council.

Explanation :—Cases in respect of sale at market value of land irrigable or likely to be brought under irrigation from an irrigation project under execution to Sivoijamadars who may have spent an appreciable amount in improving it when the value of the land exceeds Rs. 20,000 shall subject to the orders of the Chief Minister be placed before the Council.

15. The annual audit review of the finances of the State and the report of the Public Accounts Committee.

16. Proposals involving any important change of policy or practice.

17. Proposed circulars embodying important changes in the administrative system of the State.

18. Proposals for the creation or abolition of any post, the maximum remuneration of which exceeds Rs. 1,000 a month.

19. Proposals involving any important alteration in the conditions of service of the members of any All-India Service or the State Service or in the method of recruitment to the Service or post to which appointment is made by the Government.

20. Reports of the Committees of Inquiry appointed by the Government on its own initiative or in pursuance of a resolution passed by the State Legislature.

21 Appointment of the Sheriff.

22. Schemes of new expenditure whether they are technically " New Services " or not if the estimated cost of the scheme exceeds Rs. 50,000 per annum recurring or Rs. 1,00,000 non-recurring, except in respect of Committees constituted by Government for which the limits are Rs. 10,000 recurring and Rs, 30,000 non-recurring.

23. Schemes involving the abandonment of existing revenue when the amount of revenue to be foregone exceeds Rs. 25,000 per annum recurring or Rs. 1,00,000 non-recurring or when the scheme involves a change of policy.

24. All schemes of new expenditure approved by the Standing Finance Committee of the Cabinet.

Explanation :—The reference to the Council of Ministers of the Schemes referred to in items 22 to 24 above may be waived in such special cases and subject to such conditions as may be specified by the Government from time to time.

25. Cases required by the Chief Minister to be brought before the Council

PART II

SECRETARIAT INSTRUCTIONS

PART II.

SECRETARIAT INSTRUCTIONS.

CHAPTER I—GENERAL.

(*Instructions issued by the Governor under rule* 63 *of the Tamil Nadu Government Business Rules.*)

1. These Instructions may be called "The Tamil Nadu Government Secretariat Instructions".

2. In these Instructions unless there is anything repugnant in the subject or context :—

(1) 'Case' includes the papers under consideration and all previous papers and notes put up in connexion therewith to enable the questions raised to be disposed of ;

(2) 'Department' means a department of the Secretariat acting under the direction of the Minister in charge or otherwise acting on behalf of the Government in accordance with the provisions in that behalf contained in the Business Rules and these Instructions ;

(3) 'Minister in charge' means the Minister appointed by the Governor to be in charge of the department or part of the department to which a case belongs ;

(4) A case shall be deemed to belong to the department which in the ordinary course of business would deal with it and issue orders upon it, or to which it has been allotted.

(5) References in these instructions to cases involving financial issues or proposals affecting the finances of the State shall be construed as references to the cases or proposals in respect of which the Finance Department is required to be consulted under Business Rule 10 (1).

3. (1) Subject to any Standing Orders issued under Business Rule 22, the Secretary in each department shall circulate files to the Minister in charge or to other Ministers in the following cases before issue of orders : —

(*a*) Cases where a question of policy is involved.

(*b*) Cases relating to such scheme of new expenditure as may be specified by the Government from time to time.

(*c*) Cases where there is a difference of opinion between the Secretary concerned and the Head of a Department.

(*d*) Cases where the conduct of a Government servant is involved and also petitions to Government relating to disciplinary cases from subordinate staff of Heads of Departments.

(*e*) Cases where rules are intended to be relaxed in favour of a Government servant ;

Provided that cases involving relaxation of rules need not be circulated to the Minister concerned if all the concerned departments agree.

(*f*) Cases relating to appointments (including lists of approved candidates), promotions, postings, transfers and leave of Gazetted Officers.

(*g*) Cases where it is proposed to deviate from the advice of the Tamil Nadu Public Service Commission.

(*h*) All matters in which there is a difference of opinion between this Government and other State Governments or the Government of India.

(*i*) All other cases which the Secretary considers to be of importance for circulation to the Ministers :

Provided that—

(A) no case shall be circulated to the Ministers other than the Minister in-charge until it has been seen by the Minister in-charge and, if so required by the Finance Department, also by the Finance Minister ;

(B) When ever it is proposed to issue orders by which the Secretary or any Gazetted Officer in his department of the Secretariat will be directly or indirectly benefited, the case shall be circulated through the Chief Secretary to the Minister in-charge before orders are passed.

(*j*) Cases in which materials have to be furnished to the Government of India for answering Lok Sabha and Rajya Sabha questions.

(2) Cases of routine nature or cases which the circulating officer does not consider to be of sufficient importance need not be circulated to any Minister ;

(3) It shall be open to the Minister in-charge of a department to direct that any case in his department shall be submitted to him for orders and the Secretary in the department shall submit the case to him accordingly :

Provided that this clause shall not apply to cases which the Speaker of the Legislative Assembly and Chairman of the Legislative Council are competent to dispose of under the Tamil Nadu Legislative Assembly Rules and the Tamil Nadu Legislative Council Rules as the case may be.

(4) Subject to the provisions of clauses (1) to (3), the Secretary in each department shall ordinarily dispose of cases which do not involve the adoption of any new policy or principle or are not of such importance or special interest as to require the orders of the Minister in-charge: provided that the concurrence of the Finance and any other department concerned has been obtained if financial or other implications are involved. If the case concerns two or more departments and the Secretaries of the departments do not agree as to its disposal, the case shall be circulated to the Ministers in-charge of the departments concerned.

Explanation.—A Secretary to Government may, without circulation order the publication of a formal notification embodying temporary grade promotions or reversions where such promotions or reversions follow seniority strictly and the Secretary has no reason to doubt that the Government would approve of them.

4. Where a case is to be circulated to two or more Ministers, the order of circulation shall, save as otherwise provided in these Instructions, be as follows :—

(1) first to the Minister in-charge of the department ;

(2) next to the Finance Minister, if financial issues are involved, or if circulation to him is required by the Finance Department ;

(3) then to any other Minister or Ministers directly concerned with the subject-matter of the case, in the order of juniority ; and

(4) then to the remaining Ministers, if any, in the order of juniority;

Provided that where a case is to be circulated to the Chief Minister in his capacity as the Finance Minister or as the Minister in-charge, it shall be circulated to him last, after all other Ministers concerned have seen it :

Provided further that the Secretary in the department concerned may in his discretion, interrupt circulation at any stage, if he considers that such a step is necessary with reference to the minutes recorded in the file by any Minister :

Provided also that, if a case relates to the Legislative Assembly or the Legislative Council Department, it shall be circulated to the Minister in-charge of the department through the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be.

5. A Minister differing from the minutes of any other Minister or Ministers or requiring further information may, in his discretion, send the file back to such other Minister or Ministers or to the Secretary. Ordinarily in all other cases when a file is marked for more than two Ministers and two disagree, the file shall be circulated to the other Minister or Ministers without interruption. This does not derogate from a Secretary's power to interrupt circulation in his discretion under the proviso to Instruction-4.

6. Where a file is to be circulated to one or more of the Ministers and the Governor, it shall, after it has been seen by the Minister or Ministers, ordinarily be sent to the Secretary of the department concerned before it is circulated to the Governor.

7. Where a Minister passes orders contrary to the orders suggested in the noting, further circulation shall invariably be interrupted and the file sent to the Chief Secretary or the Secretary of the department concerned, as the case may be.

8. (1) The Secretary in a department is a Secretary to the Government and not to the Minister in-charge of the department. It is the duty of the Secretary to see that the policy of the Government in the department with which he is concerned is carried out. The Secretary shall have the right to tender the necessary advice to the Minister either orally or in a written note at any time before the Minister passes final orders on a case. It shall also be the duty of the Secretary to draw the attention of the Minister to the fact that any proposed course of action is contrary to the provisions of any rule or law or is at variance with the previous policy adopted by the Government.

(2) Where a Secretary observes any errors of facts in a Minister's note, he shall return the case to the Minister with a note.

9. It shall be the duty of the Secretary in the department concerned to bring to the notice of the Chief Minister the cases referred to in clauses (iv), (vii), (xxi), and (xxx) of rule 35 (1) (a) of the Business Rules.

10. All cases which have to be submitted to the Governor shall be submitted to him only through the Minister or Ministers concerned and the Chief Minister.

11. Where under these Instructions a case has to be submitted to the Governor through one or more Ministers, the Secretary shall indicate the fact when submitting the case to the Minister or Ministers.

12. As soon as any Cipher Code Telegram from the Government of India or elsewhere has been decoded, the Public Department should send a copy of it to the Department of the Secretariat concerned.

This instruction does not relieve the Secretary of the department concerned from the responsibility of acquainting the Chief Minister or Minister concerned or both forthwith, either by note or by sending an advance copy of any important telegrams received whether in Code or not.

13. (i) In submitting proposals for the appointment, posting, or promotion of an officer, the Secretary shall append a note showing whether the proposed appointment, posting or promotion is or is not in compliance with the rules governing the service to which the officer belongs.

(ii) Appointments, postings and promotions shall be made in accordance with the following provisions :—

(1) All correspondence dealing with appointments, postings and promotions shall be treated as strictly confidential and shall be kept as far as possible in the hands of Gazetted Officers of the secretariat.

(2) Appointments may be divided into two classes—

(*a*) those in departments under their own departmental heads ;

(*b*) all those not under any departmental head, as for example, appointments of heads of departments themselves and of members of the Indian Civil Service and the Indian Administrative Service.

(3) In the case of appointments of the first class, the head of the department will prepare in the subjoined Form a note pointing out the vacancy and the conditions of appointment and naming such persons as are entitled to the appointment under the rules governing the service or appear to be best qualified for the appointment and will forward it to the Secretary in the department concerned. In the case of appointments of the second class, the Secretary will himself prepare the Form. Immediately on receipt or preparation, as the case may be, the Secretary shall submit the form to the Chief Minister through the Minister or Ministers concerned.

FORM.

Recommendations Regarding Appointments and Postings.

Confidential.

Officer's name.	Appointment and posting now or last held.	Period for which held.	If returning from leave, duration of leave.	Proposed appointment and posting.	Qualification in language of area in which to be employed.	Remarks [the head of the department including cause of vacancy and reasons for supersession (if any) of officers and for transfers of officers otherwise than on promotion or reversion].
(1)	(2)	(3)	(4)	(5)	(6)	(7)
		Y. M.	Y. M.			

Explanation.—This Form should not be used in the case of proposals for appointment of approved probationers as full members of a service. In such cases, proposals should be submitted in the Form of an unofficial note containing all the necessary particulars.

(4) All proposals, for the appointment of heads of departments shall be submitted to the Minister or Ministers concerned through the Chief Secretary in cases where the Chief Secretary is not himself the Secretary in the department concerned.

(5) In the case of appointments of District Judges (which expression shall include an Additional, Joint or Assistant District Judge, the Chief Judge, Court of Small Causes, Principal Judge and Additional Judges, City Civil Court, Administrator-General and Official Trustee, the Chief Metropolitan Magistrate, a Sessions Judge and an Additional or Assistant Sessions Judge), the Chief Secretary will obtain such applications and information, if any, relating to the appointment about to

be made, as may be available in the Secretariat, and will forward them demi-officially to the Chief Justice. The Chief Secretary will point out the vacancy and conditions of appointment and request the Hon'ble the Judges of the High Court to forward a list of persons whom they may consider to have reasonable claims to the appointment or to be suitable therefor, with their remarks regarding the qualifications and claims of the several persons in the list The Chief Secretary will request the Chief Justice to treat the papers forwarded to him as strictly confidential and to return them with his reply. The list will be submitted to the Governor through the Minister concerned and the Chief Minister.

This procedure is not necessary in the case of appointments of District Judges from among the members of the Tamil Nadu State Judicial Service, (Chief Judicial Magistrates). Such appointments will be made as vacancies arise from lists prepared by the High Court and forwarded to the Chief Secretary, of Chief Judicial Magistrates fit to be appointed to act as District Judges.

(6) The provisions of this instruction will apply *mutatis mutandis* to a proposal to lend the services of a gazetted officer to the Government of India or to a State Government or on foreign service ; but it shall not be necessary to prepare the form of recommendation prescribed in clause (3).

(7) After a case has been dealt with in accordance with the procedure laid down in the preceding clauses and the orders of the Chief Minister or the Governor, as the case may be, have been obtained, the Secretary in the department will communicate the orders passed to the head of the department and will also in due course publish the necessary notification in the *Tamil Nadu Government Gazette.*

14. (1) An application for leave made by a gazetted officer on which orders have to be passed by the Government shall be submitted to the Minister or Ministers in charge of the department or departments concerned and to the Chief Minister—

(*a*) if the application is made by the head of a department ;

(*b*) if being an application for leave of not less than three months, it is made by an officer belonging to an All-India Service.

(2) All other applications for leave by gazetted officers on which orders have to be passed by the Government shall be submitted to the Minister or Ministers in charge of the department or departments concerned:

Provided that all applications for leave made by gazetted officers not involving transfers need not be circulated to the Minister or Ministers in charge of the department or departments concerned and to the Chief Minister.

15. All proposals for the grant of leave or an extension of service to a gazetted officer after the date on which he should retire compulsorily shall be submitted to the Minister in charge and to the Chief Minister.

16. All applications for permission to retire on proportionate pension shall be submitted to the Minister in charge and to the Chief Minister.

17. Cases relating to the grant of compassionate gratuity to the families of deceased Government servants left in indigent circumstances shall be submitted to the Finance Secretary and Chief Secretary and where they are in agreement orders shall issue, but cases where there is disagreement, especially doubtful cases which involve a departure from the rules or the policy previously followed shall be circulated to the Finance Minister for orders.

18. (1) Each department to which a case is sent with reference to rule 28 of the Business Rules shall be entitled to ask that the case before disposal should be submitted to its own Minister. Where such a request is made the case shall be circulated first to the Minister in charge of the department in which it originated.

(2) Where a case is of extreme urgency and in consequence is not dealt with in accordance with this procedure, it shall be sent at the earliest opportunity to each department concerned which has not already seen it.

(3) Notwithstanding anything contained in this instruction, all cases in which a reference to the Finance Department is necessary under Business Rule 10 (1) shall, irrespective of their urgency, be referred to that department before issue of orders or circulation to any Minister :

Provided that where an administrative department proposes not to proceed with a proposal involving expenditure or loss of revenue, the Secretary may, without referring the case to the Finance Department circulate it for orders to the Minister concerned. If, however, the Minister does not agree with the administrative department, he will, without setting down at that stage his views on the merits of the proposal, ask for the examination thereof by the Finance Department. When a case is circulated to a Minister under this proviso, the Secretary shall draw the attention of the Minister specifically to the above provision.

19. Where it is proposed to make any rules in the exercise of a statutory power which is not subject to the condition of the rules being made after previous publication, the administrative department shall, if the public are likely to be interested in the subject-matter of the rules and if circumstances permit, obtain orders in circulation whether the rules should be published in draft for public criticism.

20. (1) The memorandum referred to in rule 17 of the Business Rules may include extracts of minutes by the Ministers and the Secretaries and shall contain a paragraph towards the end clearly stating the various points for decision. The memorandum should be self-contained and appendices should be avoided as for as possible. It should be submitted (if time permits) to the Secretary to the Council for scrutiny and approval before circulation to the Minister in charge, who will sign the memorandum after making or ordering such modifications as he considers necessary. The Minister's signature will be typed or printed on the fair copies. After circulating copies of the memorandum to the Ministers and the Governor, the Secreatry will bring the file to the cabinet meeting with copies of any Act, rules, reports, etc., which may be required for reference at the meeting.

(2) A quorum of Ministers numbering fifty per cent of the strength of the cabinet plus one will be necessary for the transaction of the business at the Meeting.

(3) The decisions of the Council shall be treated as confidential.

21. The decisions taken at a meeting of the Council of Ministers at which the Chief Minister was not present shall be given effect to only after the proceedings of the meeting have been communicated to the Chief Minister.

22. Every case containing a proposal for the settlement of a dispute by the method of conference between this Government and an outside authority relating to a matter which is of sufficient importance to require the consideration of the Government as a whole, shall be circulated to all the Ministers for orders together with a note setting out clearly—

(1) the issues for settlement;

(2) the opinion on those issues of the head of the department or other subordinate authority concerned, which should be obtained before hand and placed on record;

(3) the line which it is proposed to adopt in the negotiations; and

(4) the proposals regarding the constitution of the conference and the selection of persons to represent this Government at the conference.

23. A Secretary may, without submitting the draft to any Minister or to the Governor, direct the issue of any despatch letter, order or reference in any case on which orders have been duly passed in accordance with these instructions :

Provided that—

(*a*) if a Minister or the Governor has desired that any draft should be sent to him before issue, it shall be so sent;

(*b*) no reference shall be issued from any department on the suggestion of a Minister not in charge of the department without the knowledge of the Minister in charge of it;

(*c*) where three or more Ministers, to whom a case has been circulated, express views on it which are at variance with one another, the order in the case shall be drafted in accordance with the views of the majority; but it shall not be issued until the Minister or Ministers in the minority have seen the draft order;

(*d*) where two or more Ministers, to whom a case has been circulated, express views on it which, without being at variance with one another, deal with different points, the views of the Ministers shall, as far as possible, be incorporated in the order;

(*e*) if a draft is to be sent to a Minister not in charge of the department, it shall be sent first to the Minister in charge of the department, then to any other Minister who is to see the draft and afterwards again to the Minister in charge, if any alteration in the draft is suggested by the other Minister.

CHAPTER II—PROPOSALS FOR LEGISLATION.

A. GOVERNMENT BILLS.

24. Heads of Departments shall, when necessary, submit proposals for legislation in the form of letter, explaining the necessity and the scope for legislation. The question of giving publicity to the proposals and preparing a draft Bill shall, unless otherwise directed, be left to the Government.

25. (1) In the case of every Bill referred to in Business Rule 51 (d) twelve copies of the report of every Select Committee on a Bill and of the Bill as amended by the Select Committee shall be forwarded by the Law Department to the Government of India, Ministry of law, Justice and Company Affairs at the time of the presentation of the Report to the Legislature.

(2) Petitions relating to Bills shall be considered in the administrative department concerned unless they are petitions to the Legislature.

(3) All amendments to Bills which are to be proposed by a Minister shall be framed by the administrative department in consultation with the Law Department. Notices to the Legislature in regard to proposed amendments shall also be prepared by the administrative department.

(4) The notice for the presentation of the report of the Select Committee on a Bill to the Legislature by the Minister in charge of the Bill shall be prepared by the administrative department and sent to the Office of the Chamber of the Legislature concerned. A copy of the Notice should be sent to the Law Department also.

26. Whenever the Government of India are consulted under Business Rule 48 (2) and (3) or where the previous sanction of the President is requested, the Administrative Department concerned shall send to the Government of India six copies of the Bill with the Statement of Objects and Reasons therefor and in the case of amending Bills, shall also send six up-to-date copies of the principal Act or Acts, Notes on Clauses of the proposed legislation and a comparative statement showing each relevant provision as it exists, and as it would read after the proposed amendment along with a certificate in the pro forma given below. All requests for previous sanction of the President under the proviso to Article 304 (b) of the Constitution of India should be addressed to the Ministry of Home Affairs, Government of India accompanied by all the papers referred to above and such requests should be sent at least three weeks before the session of the State Legislature is scheduled to commence.

PRO FORMA.

Certificate in the case of Bill sent for approval and Bill sent for Previous sanction of the President.

Subject :— ....

Certified that the following papers in connection with the above mentioned legislative proposal are attached herewith :—

(1) Six copies of the letter forwarding the proposed draft legislation.

(2) Six copies of the proposed legislation together with an equal number of copies of the Statement of Objects and Reasons for it.

**(3) If the proposed legislation is an amending one, Six *upto date* copies of the principal Act, Notes on clauses of the proposed legislator and a comparative statement showing each relevent provision as it exists, and as it would read after the proposed amendment.

*** Signature.

* Short title of the Legislative proposals to be entered.

** In the case of amending Bill only.

*** The certificate should be signed by the Officer under whose signature the proposal is sent.

27. (1) If an amendment proposed to be moved by the Minister in-charge of the Bill is one which requires the previous sanction of the President or recommendation of the Governor under the Constitution or in respect of which a doubt arises whether such sanction or recommendation is necessary, the administrative department shall submit the papers to the Governor for orders through the Minister or Ministers concerned, and the Chief Minister.

(2) Where an amendment proposed to be moved by a non-official member of the Legislature is one which requires the previous sanction of the President or recommendation of the Governor under the Constitution or in respect of which a doubt arises whether such sanction or recommendation is necessary and if it appears that no such sanctioned, has been obtained, the administrative department shall bring the matter to the notice of the Minister in-charge and the Chief Minister as well as the Governor.

Explanation.—The Administrative department shall consult the Law Department on every question whether a proposed amendment does or does not require the previous sanction of the President or recommendation of the Governor.

B. PRIVATE BILLS.

28. Twelve copies of every Bill introduced by a private member in either Chamber of the Legislature which falls within the concurrent Legislative List and which is likely to go forward, shall, at some

convenient stag after its introduction, be forwarded by the Law Department to the Government of India, Ministry of Law Justice and Company Affairs.

29. A copy of every Bill which falls within the concurrent legislative list or which attracts the provision of clause (2) of Article 31 or clause (1) of Article 31-A or Article 31-C of the Constitution and which is likely to go forward shall be forwarded by the administrative department principally concerned, to the administrative department of the Government of India dealing with the subject-matter of the Bill, at some convenient stage after its introduction. If time permits, the administrative department shall also inform the Government of India of all important amendments to such Bills.

30. In the case of a Bill introduced in either Chamber of the Legislature which attracts the provisions of clause (2) of Article 31, clause (1) of Article 31-A or Article 31-C of the Constitution and which is likely to go forward, copies thereof shall be sent to the administrative department of the Government of India dealing with the subject matter of the Bill at some convenient stage after its introduction. If time permits, the administrative department shall also inform the Government of India of all amendments relating to compensation to such Bills.

C. All Bills.

31. After a Bill is passed by the Legislature and on receipt of information as to the date on which the Bill was passed by the Legislative Assembly and the Legislative Council, the Law Department shall forward to the Government of India, Ministry of Home Affairs a copy of the Bills as passed by the Legislature together with information as to the date on which the Bill was passed by each Chamber.

32. The Administrative department concerned shall send to the Government of India, Ministry of Food and Agriculture, the Planning Commission, New Delhi and the Ministry of Home Affairs two copies of each of every Bill on Land Reforms, as soon as it is published in the *Tamil Nadu Government Gazette* and before it is introduced in the Legislature.

33. Twelve copies of all Acts assented to by the Governor or the President shall be forwarded by the Law Department to the Government of India, Ministry of Law, Justice and Company Affairs.

34. (1) When addressing the Ministry of Home Affairs for obtaining the President's assent with reference to Business Rule 55 (2), the Law Department shall simultaneously forward to that Ministry the following papers (along with a certificate in the pro forma given below), namely:—

(i) Three authentic copies of the Bill, printed on parchment paper, each endorsed by the Governor receiving the Bill for the consideration of the President and leaving sufficient space below the Governor's signature for appropriate endorsement by the President.

(ii) Six other copies of the Bill as passed by the State Legislature.

(iii) Six copies of the Bill as introduced, with the Statement of Objects and Reasons therefor.

(iv) The report of the Select Committee of the State Legislature, if any, along with three copies of the Bill as approved by that Committee.

(v) In case the Legislation is an amending Bill, six *up-to-date* copies of the Principal Act, Notes on Clauses of the proposed legislation and comparative statement showing each relevant provision as it exists, and as it would read after the proposed amendment.

(vi) Six copies of the proceedings of the Legislature relating to the Bill or advance proof thereof.

(vii) Six copies of the memorandum explaining the scope of the Bill and embodying a summary of the proceedings of the Legislature relating to the Bill :

Provided that where copies of the advance proof of the proceedings of the Legislature are sent to the Ministry of Home Affairs, the final copies of the proceedings shall be sent to the Ministry of Home Affairs as soon as they become available.

Explanations.—(1) While reserving the Bill for the consideration of the President, in the case of legislation attracting the provisions of Article 254 (2) of the Constitution, the extent of repugnancy to existing Central Laws on the subjects enumerated in the concurrent list should be clearly expalined in the forwarding letter. Similarly, in the case of legislation which is reserved for the consideration of the President for some other reason, the specific ground on which it is so reserved should be clearly brought out in the State Government's forwarding letter and the relevant provisions of the Constitution should be specifically quoted.

(2) In sending Bill for the assent of the President, it should be clarified in the forwarding letter whether the proposal had been sent earlier for the approval of the Central Goverment prior to its introduction in the State Legislature, and if so, which of the suggestions/observations made by the Ministry of Home Affairs in regard to that proposal have been incorporated with or without modifications as also which of the suggestions/observations have not been carried out with reasons therefor.

PRO FORMA.

Certificate in the case of Bill sent for obtaining assent of the President.

**Subject* — ....

Certified that the following documents in connection with the above-mentioned legislative proposal have been attached herewith :—

1. Six copies of the letter forwarding the proposed legislation.

2. Three authentic copies of the legislation printed on parchment paper, each endorsed by the Governor reserving the legislation for the consideration of the President, and leaving sufficient space below the Governor's signature for appropriate endorsement by the President.

3. Six other copies of the Bill as passed by the State Legislature.

4. Six copies of the Bill as introduced with the Statement of Objects and Reasons therefor.

5. The report of the Select Committee, if any, along with three copies of the Bill as revised by that Committee.

**6. If the legislation is an amending one, Six *Up-to-date* copies of the principal Act, Notes on the clauses of the proposed legislation and a comparative statement showing each relevant provision as it exist and as it would read after the proposed amendment.

***Signature.

*Short title of the Legislative proposal to be entered.

**In the case of amending Bills only.

***The Certificate should be signed by the Officer under whose signature the proposal is sent.

(2) The Bill and the connected papers referred to in clause (1) should be forwarded to the Government of India, Ministry of Home Affairs, so as to allow a reasonable time of not less than a fortnight from the date of receipt of the Bill by the Government of India, for examination of the Bill by them.

Explanation.—If for any reason a Bill should become law before a certain date, the administrative Department should take steps for the introduction of the Bill well in advance of that date and for the passage of the Bill through the various stages, so that after the Bill is passed by the Legislature, there would be sufficient time for obtaining the President's assent and for publishing the Act in the *Tamil Nadu Government Gazette* before the said date.

35. (1) The Administrative department concerned should forward all legislative proposals, which are to be enacted by means of an Ordinance and which require the previous instructions of the President under the proviso to Article 213(1) of the Constitution, to the Ministry of Home Affairs, allowing a reasonable time of not less than a fortnight, for their examination. Six copies of the draft Ordinance accompanied by other documents mentioned in Instruction 34 (1) should also be forwarded. The forwarding letter should explain the necessity for the promulgation of the Ordinance, the object sought to be achieved by the proposed legislation and the specific ground on which it is considered necessary to obtain the President's instruction for the promulgation of the Ordinannce. The relevant Article of the Constitution which render such approval necessary should also be quoted.

(2) One copy of the Act assented to by the Governor shall also be forwarded by the Law Department to the Ministry of Home Affairs together with information as to the number of the Act, the date of assent and the date of publication of the Act in the *Tamil Nadu Government Gazette.*

D. MISCELLANEOUS.

36. As soon as a department in-charge of a Bill receives notice of a meeting of the Select Committee of the Legislature in respect thereof it shall intimate the fact immediately to every other department which is cencerned with the Bill.

37. The Director of Stationery and Printing will send to the Public Department copies of all Bills with statement of Objects and Reasons and of Acts as soon as they are published in the Gazette. On receipt, the Public Department will consider whether the legislation will be of interest to the troops, and, if so, will ask the Administrative department concerned for a short summary of them in simple language. This will be communicated to the General Officer Commanding-in Chief, Southern Command, Poona by the Public Department.

38. The Government of India shall be informed of any difficulties encountered in the working of the laws falling within the concurrent legislative field in order that legislation in that field shall, as far as possible, be undertaken only after consultation between the State and Central Governments, the method of consultation to be either by correspondence or conference, according to the importance of the legislation or the urgency of the case. Correspondence in this regard shall be between the adminis-tative departments concerned of the State and Central Governments.

39. The Administrative department concerned shall also inform the Government of India of any difficulties encountered in the working of Laws on Land Reforms or of laws attracting the provisions of Article 31(2) or 31-A(1) or 31-C of the Constitution.

CHAPTER III—MISCELLANEOUS.

40. It is the duty of the Secretary to take efficient steps for the prompt despatch of business in accordance with these instructions.

41. Consultation with other departments should, wherever practicable, be effected by personal discussion between responsible Officers of the departments concerned and the result of such discussion should be recorded in a note agreed between those officers.

42. Officers of all ranks should take responsibility in settling minor cases without submitting them to higher authority and no cases should reach a Secretary or Minister except those of real importance.

43. No departmental file should be referred to another department except by direction of an officer of the rank at least of Under Secretary. Important files should be seen by the concerned Secretary, Additional, Joint or Deputy Secretary before they are referred to another department for remarks.

44. All proposals for relaxation of Statutory Rules should be seen by the Personnel and Administrative Reforms (Personnel) Department and all cases, in which it is proposed to give retrospective effect to the relaxation or exemption orders with monetary benefits should be seen by the Finance Department.

45. Before a file is sent to another department, the proposals should, wherever possible, be embodied in the form of a draft.

46. When a case is sent for the remarks of another department unaccompanied by a draft, the department of origin shall state, with as much precision as possible, the specific points on which the remarks of the other department are invited and the department referred to shall avoid repeating in its notes what is already sufficiently stated in the notes of the department of origin.

47. Where it is necessary to consult more than one department on a case, such consultation should take place simultaneously except when the multiplication of documents to be sent would involve an excessive expenditure of time and labour or when the occasion for consulting the second department does not arise until the result of consulting some other department is known. Where simultaneous references are made to more than one department, the file may if desired, be sent to one of such departments, communication with the other department being by unofficial note or demi-official letter except in cases which can be disposed of by verbal consultation.

48. When a case is sent to another department for opinion and that the other department considers that an outside officer should be consulted it shall state the fact in the note file and return the case to the department of origin which will issue the reference.

Explanation.—When a department calls for any information from other departments for examining a general question, references, if any, to the outside offices should be issued by the administrative department concerned.

49. When a head of a department has submitted a scheme for the approval of the Government and it is considered necessary that other officers should be consulted on the scheme, the matter shall be referred back to the head of department that submitted the scheme with the request that he should consult the other officers concerned either individually or by a conference and after the various points have been discussed with them submit final proposals to Government.

50. When a case has been sent for acceptance in another department and the department of origin, without circulating the case to any Minister proposes to issue orders upon it which differ materially from the draft or proposals accepted in the other department, the case shall be sent a second time to that department before orders are issued. Where, however, such a case has been decided in circulation, a reference back to the department or departments to whom the case was originally sent shall not be necessary, unless—

(*a*) there is any doubt as to the form of the order to be issued, in which case the draft shall be sent to the other department or departments before issue ; or

(*b*) it is essential that the other department or departments should be made aware of the orders passed in circulation, in which case the file may be sent to the other department or departments after issue of the order.

51. Wherever the views of a department have been overruled or not accepted by the Chief Minister or any Minister as the case may be, the case should be put up for perusal by the Secretary of the department concerned before orders are issued. In cases of extreme urgency, the case may be put up after issue. Whether the Secretary will take up the matter to get revised orders is left to him, but in such cases, the initiating department should also be kept in the picture, so that all concerned may have a fair chance to present their respective view points before the original decision is reversed.

52. The Finance department shall have the following powers and responsibilities :—

(*a*) It shall be responsible for the safety and proper employment of all funds ;

(*b*) It shall advise on the financial aspect of all transactions relating to loans granted by the Government ;

(*c*) It shall have power to prescribe for the guidance of other departments, financial rules, including rules relating to financial procedure and the application of the principles of sound finance, and to ensure that suitable accounts, including commercial accounts, wherever necessary, are maintained by other departments and establishments subordinate to them ;

(*d*) In connection with the annual financial statement and supplementary statements of expenditure, it shall have power to prescribe the units of appropriation to require the departments to furnish materials on which to base the estimates and to examine and advice on all schemes of new expenditure for which it is proposed to make provision in the estimates and to decline to provide in the estimates for any scheme which has not been so examined ;

(*e*) On receipt of a report from the audit officer to the effect that expenditure for which there is no sufficient sanction is being incurred, to require the department concerned to take steps to obtain sanction or that the expenditure shall immediately cease ;

(*f*) To bring to the notice of the Committee on Public Accounts all expenditure which has not been duly authorized and any financial irregularities ;

(*g*) It shall advise departments responsible for the collection of revenue regarding the progress of collection and the methods of collection employed ;

(*h*) It shall have power to decide to what extent in particular departments the audit of receipts should be enforced.

53. Administrative departments of the Secretariat shall consult the Finance Department before issuing orders on any of the following matters :—

(1) Proposals for the delegation of financial powers to subordinate authorities.

(2) Reports of financial irregularities made by the Accountant-General or administrative authority.

Explanation.—Cases of financial irregularities in which a reference to the Tamil Nadu Public Service Commission or the Union Public Service Commission is necessary should be sent to the FinanceDepartment before making such a reference to the Commission and also after the recommendation of the Commission is received.

(3) Audit reports of the Examiner of Local Fund Accounts when the reports mention serious irregularities or when the administrative department differs from the Examiner or when the Examiner specially requests that the report should be seen by the Finance Department.

54. Proposals relating to sanction of pension to Gazetted Government servants on retirement shall be dealt with by the administrative departments and they shall themselves issue final orders and in cases involving relaxation of rules orders shall be issued after consultation with the Finance Department.

55. Proposals relating to re-employment of retired Government servants shall be dealt with by the administrative department and they shall themselves issue final orders after consulting the Personnel and Administrative Reforms (Personnel) and Finance Departments and after taking orders in circulation.

56. Whenever a case is referred to the Accountant-General, the particular point or points on which his remarks are invited should be definitely stated. Cases containing proposals to relax existing rules or to grant concessions not strictly admissible under the rules in force should not ordinarily be referred to him at all. In such cases, the administrative department concerned should in the first instance consult the Finance Department and if the Finance Department advise that the Accountant-General should be consulted on any particular point a reference should then be made to the Accountant-General accordingly.

57. When a scheme has to be formulated for carrying out proposals, it shall be the duty of the Secretariat to think out the problem and its solution before any reference to Collectors or other authorities outside the Secretariat is made. When such a reference is made the lines on which the scheme should be drawn up or the exact information that is required should be clearly indicated.

In all cases, references to Collectors or other outside authority should be made only for such information as is not available in the Secretariat.

58. Any report which reflects adversely on the conduct of an officer originally appointed by the former Secretary of State or a member of the Indian Administrative Service or an officer holding a post included in the cadre of those services, shall, immediatley on receipt in any department of the Secretariat, be communicated to the Public Department. Any case in another department which relates to the conduct of any such officer shall be sent to the Public Department before circulation, and a copy of the orders finally passed shall be communicated to that department.

Copies of communication of "displeasure" of the Government in the case of I.A.S. Officers, District Revenue Officers, Joint Secretaries (Non-I.A. S.), Deputy Secretaries (Non-I.A.S.) and other Heads of Departments (Non-I.A.S.) should be signed by the Chief Secretary to Government.

59. All orders which involve temporary or permanent additions to posts in the Indian Administrative Cadre, Tamil Nadu or to posts of Judges of the High Court or which involve the keeping in abeyance or the abolition of any such post shall be issued in the Public Department even though the desirability of making the proposed change is a matter for previous consideration in another department of the Secretariat. All correspondence with the Government of India on these subjects shall be dealt with in the Public Department.

60. In the case of Building works, proposals relating to construction of buildings are received by the administrative departments directly from the Heads of Departments under their control and dealt with in the concerned Administrative Departments and orders are issued by the concerned departments. This will apply for the Buildings both borne in the Register of Public Buildings as well as the other buildings which are not borne in the Register of Public Buildings. So far as the proposal for reappropriation or additional appropriation of funds are concerned, the Chief Engineer (Buildings) who is the budget estimating authority in respect of buildings borne in the Register of Public Buildings, will send proposals to the Finance Department with a copy to Public Works Department. Orders on such proposals are issued only in the Finance Department. Regarding the other buildings which are not borne in the Register of Public Buildings, such proposals are not received in Public Works Department as the expenditure in such cases are not met from the Civil Works budget.

61. Administrative departments shall consult the Public Works Department before issuing orders exempting officers from occupying Government quarters provided for them.

62. A case involving the use of lands within port limits shall be dealt with in the Transport Department or in the Revenue Department according as the purposes for which the land is required are marine or non-marine but each department shall consult the other before orders are issued.

63. An application for the construction or extension of a jetty on the foreshore of a port shall be dealt with in the Transport Department, the draft order being forwarded to the Revenue Department for acceptance before it is issued.

64. Administrative departments of the Secretariat shall consult the Industries Department before issuing orders on any proposals which invlove a departure from the rules governing the purchase of imported stores.

65. All general orders in regard to the distribution of the *Tamil Nadu Government Gazette* issue from the Transport Department. Orders as regards the supply of the gazette to individual officers issue in the Secretariat department concerned.

66. Applications from Heads of Departments for supply of publications of State or Central Government either free of cost or on pre-payment of cost, shall be dealt with in the administrative department concerned and orders issued by that department with the concurrence of the Transport Department.

67. All orders of recognition of Service Associations should be issued in the Personnel and Administrative Reforms (Personnel) Department.

68. Orders on proposals affecting the administration of justice and particularly on proposals to be financed from the appropriations in the Budget Estimates under the head "Administration of Justice", e.g., creation or abolition of Courts (Civil/Criminal), should be issued by the Home department after consultation with the High Court:

Provided that orders on proposals of a comparatively unimportant nature may, in cases of urgency, be issued without such consultation, copies of such orders being sent subsequently to the High Court.

69. Orders sanctioning assignments of land or land revenue should be issued in the Revenue Department.

70. (1) Land Acquisition is a subject allotted to the Revenue Department, but notifications under section 4 (1) of the Land Acquisition Act, 1894 (Central Act I of 1894) in Form Nos. 2*A* and 2*B* of Appendix XII to the Land Acquisition Manual, declarations and directions under sections 6 and 7 of that Act in Form Nos. 5-*A*, 5*A*1, 5-*B* and 5-*B*1 of the said appendix and withdrawal notifications under section 48 (1) of the same Act may be issued in the department of the Secretariat, which requires or did require the land, as the case may be. When notifications have to issue under the Tamil Nadu Survey and Boundaries Act, 1923 (*Tamil Nadu Act VIII of* 1923), as a result of land acquisition, the department which issues orders relating to the land acquisition shall also issue the notification under the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923).

(2) When it is proposed to acquire land under Part II of the Land Acquisition Act on behalf of a private institution or body (e.g. for purposes of a school under private management), the case should be sent to the Revenue Department before the publication of the notification in Form No. 2-A in order that the Revenue department may examine the terms and conditions subject to which the land after acquisition should be alienated to the private institution or body. When the terms and conditions have been settled and accepted by the Revenue department the notification in Form 2-A and the declaration and direction in Form Nos. 5-A and 5-B concerned may be issued in the administrative department concerned without reference to the Revenue department.

(3) When it is proposed to acquire land under Part VII of the Land Acquisition Act, 1894 (Central Act I of 1894) for any company, the draft of the agreement to be entered into by the company under section 41 of that Act should be sent to the Revenue Department for scrutiny before the company is required to enter into that agreement.

(4) The concurrence of the Revenue department should be obtained in respect of all orders appointing officers to perform the functions of a Collector under the Act, provided that the general orders issued by the Revenue department as to the classes of persons to be so appointed are observed.

(5) The concurrence of the Revenue Department should, however, be obtained in the following cases :—

(i) Where it is proposed to invoke urgency provisions under section 17 of the Land Acquisition Act, 1894 (Central Act I of 1894) ;

(ii) Where some special difficulty or a question of principle or interpretation of the Act or rules regarding land acquisition are involved ; and

(iii) Where there are objections with reference to 5-A enquiry under the Land Acquisition Act, 1894 (Central Act I of 1894) ;

(6) (*a*) The following cases have to be circulated to the Minister-in-charge of the subject by the departments of Secretariat dealing with land acquisition :—

(i) All cases of land acquisition should be administratively approved by the Minister-in-charge of the subject in the department since land acquisition under the Land Acquisition Act, 1894 (Central Act I of 1894) is a case of compulsory acquisition for public purpose by the Government. If the Land Acquisition is part of a scheme already approved as a whole by the Minister, it is not necessary to circulate the case when a land acquisition proposal is taken up separately.

(ii) Wherever there are differences of opinion either between Heads of Departments or between Departments of the Secretariat in a land acquisition case, the file should be circulated to the Minister-in-charge of the subject.

(iii) Where there are objections to the land acquisition and it is proposed to over-rule the objections and publish the draft Declaration and Direction, the file should be circulated to the Minister-in-charge of the subject along with the relevant draft.

(iv) Where it is proposed to withdraw from the land acquisition files should again be circulated to the Minister-in-charge of the subject. Circulation to the Chief Minister is not necessary.

(6) (*b*) Cases dealing with land acquisition, where the value of land is above Rs. 25,000 should be circulated to the Chief Minister, if there are objections or complications. Cases of the above type need not however, be circulated to the Chief Minister, if objections are of a routine nature.

71. A case relating to a charity, charitable institution or charitable endowment which makes provision for a subject dealt with not in the Commercial Taxes and Religious Endowments Department but in some other department of the Secretariat, shall be dealt with in the latter department, but any general question raised therein shall be referred to the commercial Taxes and Religious Endowments Department before orders are passed.

72. Cases in which proposals for making regulations under paragraph 5 (2) of the Fifth Schedule to the Constitution for the peace and good Government of any of the Scheduled Areas in the State are considered should go through the following stages, namely :—

(1) Preliminary stage—When the proposal is considered in all aspects;

(2) Drafting stage.—When the regulation is drafted;

(3) Approval stage.—When the regulation is circulated for approval;

(4) Tribes Advisory Council stage.—When the proposal is placed before the Tribes Advisory Council under paragraph 5 (5) of the Fifth Schedule to the Constitution ;

(5) Pre-assent stage.—When Government of India is addressed; and

(6) Post-Assent stage.—When the regulation assented to by the President is published in the *Tamil Nadu Government Gazette.*

The administrative departments concerned with cases involving the issuing of a regulation should deal with them up to stage (3) and such cases should, immediately after the question of framing of the regulation is accepted in circulation including the Governor, be transferred to the Department of Social Welfare which will deal with the files at stages (4) and (5). At stage (4), a senior representative officer of the administrative department concerned should also be present at the meeting of the Tribes Advisory Council to help in piloting the subject through it. As soon as the regulation is assented to by the President, the file will be sent to the Law Department for necessary action in stage (6), that is, publication of the regulation in the *Tamil Nadu Government Gazette.*

73. All orders sanctioning the conditional defence at the public expense of Civil and Criminal proceedings brought against Public Officers for acts done in their official capacity should be issued in the Law Department. The department to which the Public officer belongs should also see the case before issue.

74. All files in which the Advocate-General has expressed opinion on questions of Law shall be sent to the Law Department for perusal and return and if in any case the file itself cannot conveniently be sent, a copy of the opinion recorded therein shall be sent.

75. Gazetted Officers should submit their applications to the Government or the Head of the Department for enrolment in the Indian Territorial Army. The head of the Department or the Government will, if there is no objection to the applicants joining the Territorial Army, forward the applications to the Officer Commanding, the unit in which they wish to be enrolled.

76. When it is proposed to issue as a State publication any pamphlet bearing on a Central subject, the department of the Secretariat concerned shall refer the pamphlet *in draft* to the department of the Government of India concerned before it is finally printed and issued.

77. The following class of cases in respect of persons recruited by the former Secretary of State serving in this State shall in the first instance be referred to the Secretary to the Government of India, Ministry of Home Affairs, before the issue of orders :—

(*a*) Where it is proposed to deviate from the existing interpretations of the Fundamental Rules or from decisions of the nature of interpretation of other rules made by the former Secretary of State [e.g. the Superior Civil Services Rules and Schedule IV thereto ; General Provident Fund (Superior Civil Services) Rules] as given by the former Governor-General or where a doubt can be entertained, or where an interpretation is possible.

(*b*) Where it is proposed to modify the supplementary rules and orders issued by the former Governor-General under the authority which vested in him before 1st April 1937 regulating the conditions of service of former Secretary of State's officers serving in the State.

Explanation.—All such cases shall be circulated to the Chief Minister before orders are issued.

78. The following instructions shall be followed in noting on cases in the Secretariat :—

(*a*) It shall always be assumed that the paper under consideration will be read by the officer to whom it is submitted. Consequently no paraphrase shall be permitted in the notes. A precis of the contents of a single paper shall be made only when it is of great length and complexity, and neither such a precis nor a precis of the contents of the file or history of the case shall ordinarily be prepared without the orders of an officer. When a file is submitted for orders, the proposals therein should, wherever possible, be embodied in the form of a draft.

(*b*) In some cases perusal of the paper under consideration will be sufficient and nothing is required beyond a brief suggestion for action. When a note is required it should be a statement of the case showing, more or less in detail according to the importance and stage of the case, the question for consideration, the circumstances leading up to it, the rules and the precedents bearing on it and suggestions for action. The reproduction in a note of verbatim extracts from the paper under consideration shall ordinarily be avoided.

(*c*) Where there are in a single case several points for orders which, in the opinion of the Secretary or Under Secretary can be more conveniently dealt with separately than in a continuous note, or a Minister directs by general or special order that such a course should be adopted in any case class of cases submitted or to be submitted to him, each point shall be separately noted on, the Under Secretary and the Secretary noting after the office, note on each point, and space being left after the Secretary's note in each case for the Minister to note. While the notes on each point should begin on a fresh sheet of paper, such separate notes may, if necessary, be preceded by notes dealing with the subject as a whole and not with the individual points for orders, e.g., with matters of principle.

(*d*) Not more than one note shall be submitted by the office on each case, or on each point for orders where the notes are divided under clause (*c*), the Section Officer of the branch or Section rewriting or modifying the Assistant's note if he cannot accept it. The Office-note may be similarly treated by the first officer to whom the case is submitted if he thinks fit. If the Secretary or the Under Secretary considers that the office note is incorrect or unduly prolix, he should correct it or modify it and have it typewritten or printed as his own note.

(*e*) It is not the function of Assistants and Section Officers when noting, to offer opinion and suggestions unless they are specifically founded on statute, rule or precedent, or are clear from the nature of the case. Criticism and suggestion, beyond these limits are the functions of the officers of the grade of Under Secretary and above of the Secretariat.

(*f*) Manuscript or type-written notes shall be on paper of metric size with one-third margin on both sides of the paper. References shall be placed in the margin, and no note shall be written in the margin in the Secretariat unless it is very brief.

(*g*) All notes written in a file which are not directly relevant to the subject-matter of the file should br treated as routine notes, as for example, notes in connection with an Officer's requisition for further information from office.

79. When an intermediate reference is issued, a definite time limit for receipt of replies should be specified in the reference and on the expiration of that period the papers should be put up to the Secretary concerned who should decide whether to wait for replies which were still due, to issue further reminders or to proceed to disposal. Unless in any case it is specially necessary to wait for all the replies, the papers should be disposed of without further delay, mention being made in order of the officers who have failed to reply to the reference.

80. (1) Notes written in one department and sent to another shall not be communicated to an officer outside the Secretariat without the consent of the department concerned.

(2) Notes written by a Minister or by the Governor shall not be communicated to any officer outside the Secretariat without the permission of the Minister or the Governor, as the case may be. Such permission will, however, not be necessary where the notes are of a routine character and do not contain an expression of opinion by the Minister or the Governor.

Explanation.—This instruction shall not apply to documents (pending files or disposed of papers) which a department of Secretariat has to furnish to the Accountant-General for perusal and return with reference to the instructions issued in G.O. Ms. No. 433, Finance (Audit) Department, dated 15th April 1976. According to these instructions all the papers and documents including note files and those classified as "Secret" shall be produced to the Accountant-General as and when

required in connection with the performance of his duties and that the files and records (including note files) which are confidential in nature shall be produced only when they are indented at the level of Senior Deputy Accountant-General, so that secrecy involved could be safe-guarded.

81. (i) The Governor, Chief Minister and the Ministers shall sign their names in full in orders and notes and they shall form part of the record in the case.

(ii) All Officers of the rank of Section Officer and above shall sign their names in full in summarising and circulation notes in the originating department to which the file belongs.

82. When an order is drafted as a result of a decision of the Council of Ministers in regard to a matter which has not been subjected to inter-departmental circulation, the draft order shall be circulated for acceptance to all the departments of the Secretariat concerned. If the matter is of extreme urgency, the draft may be circulated after issue.

83. In dealing with the recommendations of important special committees or Commissions of Inquiry, the normal procedure should be to place a qualified officer of suitable standing and with as independent a position as possible, on special duty for the purpose of obtaining the necessary decisions of Government thereon, of carrying through the requisite consultation with Departments of Secretariat and subordinate officers and of seeing that such recommendations as are approved are brought into operation.

When work in such nature has to be done, it will be the duty of the Secretary concerned to bring to notice the desirability of placing an officer on special duty.

84. Orders and Proceedings of Government shall be authenticated in the anner prescribed in rules 11 and 12 of the Tamil Nadu Government Business Rules. Copies of such orders and proceedings may be authenticated by the Section Officer in the department concerned as follows :—

(By order of the Governor)

A.B.C.

Secretary to Government

(True copy/Extract).

Forwarded to X.Y.Z.

(By order).

D.E.F.,
Section Officer.

The signature A.B.C. shall be printed or typewritten or copied, the signature D.E.F. being the actual signature of the authenticating officer.

Explanations : (1) Copies of orders containing financial sanctions including orders delegating financial powers to heads of departments and subordinate officers under them and sanctions of compassionate gratuities and of re-employment of retired officers, intended for communication to the Accountant-General shall be signed by a Gazetted Officer of the rank of Under Secretaries and above of the Administrative department issuing the sanction.

(2) Where the body of the Government Order or Proceedings specifically refers to the Governor, the expreission "(By Order of the Governor)" need not be added at the end of the copy of the order.

(3) Copies of orders and proceedings of Government issued by the Secretariat Library may be authenticated by the Librarian, Secretariat Library.

85. Communications addressed to the Reserve Bank of India authorizing the return of securities or the purchase or sale of securities shall be signed by a Secretary to Government, which expression shall be deemed to include an Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary to Government.

86. Circulation of papers to Ministers when they are on tour shall be in accordance with any instructions which they may issue.

87. Notes on addresses to be presented to the Governor, or on points, raised in interviews with him, or prepared for his use in connection with any public speech, shall be submitted to him through the Minister or Minister's concerned.

88. Members of deputations should understand that any discussions with officers or Members of Government to which they may be parties are confidential and that no account of the discussions or of the decisions arrived at should be published without the previous consent of the Government.

89. The following procedure shall be observed in referring any matter to the Tamil Nadu Public Service Commission :—

(1) All such references shall be addressed to the Secretary to the Commission by the administrative department of the Secretariat concerned in the form of an official letter with which all relevant papers or copies of papers should be forwarded.

(2) Secretariat note files should on no account form part of the records sent to the Commission.

(3) When the Commission has arrived at a conclusion, it will communicate its recommendation to the department which referred the case.

(4) Where it is proposed not to accept the advice of the Commission for reasons not before the Commission when its recommendation was made, the Commission will ordinarily be given a reasonable opportunity of reconsidering its opinion, and if necessary, of making a fresh recommendation.

Explanation.—Special care should be taken to ensure that, until the Commission's advice has been obtained and a decision has been reached by the Government in the light of it, no language is used in any communication issued in connection with the case which is capable of being interpreted as implying that the Government have formed a settled opinion on the merits of any part of the case.

90. All correspondence by departments of the Secretariat with the Tamil Nadu Public Service Commission (except on purely routine matters) shall be sent to the Personnel and Administrative Reforms (Personnel) Department for perusal before issue. That department should see that the views of Government communicated to the Commission from time to time are consistent with one another. Any views not accepted by Personnel and Administrative Reforms (Personnel) Department should not be communicated to the Commission without obtaining orders in circulation and without intimation to the Personnel and Administrative Reforms (Personnel) Department.

91. In disciplinary matters in which the advice of the Tamil Nadu Public Service Commission is to be sought, the following procedure will be adopted :—

As soon as the case is received in the department concerned it will be examined to see whether the file is complete and in order, and whether the statutory provisions relating to disciplinary enquiries have been complied with, but no officer below the rank of Under Secretary shall note on the merits of the case. If the case is incomplete or defective or any point in the case appears to require further elucidation, the Secretary will refer the case back to the head of the department for rectification of the defects or further information. When all defects have been rectified and the case is *prima facie* in order and complete, the Secretary of the department will refer it to the Commission. As soon as the case is received back from the Commission with its advice, the Secretary will ordinarily circulate the case for orders without further noting. If, however, there appears to the Secretary to be good and sufficient reasons to differ on any point from the advice of the Commission, it will be open to him to submit a note giving those reasons. No officer below the rank of Secretary or Additional Secretary, shall be permitted to comment on the advice tendered by the Commission. If a case is one arising out of financial irregularities, it shall be sent to the Finance Department, both before making a reference to the Commission and also after the recommendation of the Commission has been received.

92. No department of the Secretariat shall consult the Tamil Nadu Public Service Commission on any point on which such consultation is not necessary under any statutory provision or under the Conventions adopted by the Government in their relations with the Commission, except when orders to that effect are taken in circulation after the Personnel and Administrative Reforms (Personnel) Department has seen the case.

93. Whenever the need arises for the making of an appointment or class of appointments otherwise than in consulatation with the Tamil Nadu Public Service Commission, the normal procedure should be that laid down in the latter part of regulation 16 (*b*) of the Tamil Nadu Public Service Commission Regulations, 1954. If, in any case, there is a difference

of opinion between a department and the Tamil Nadu Public Service Commission as to the expediency of excluding a particular appointment or class of appointments from the purview of the Commission, the question should be considered whether a regulation may be issued under Article 320 (3) of the Constitution for giving effect to the exclusion. If it is considered that such regulation should be issued, the department concerned should when submitting the case to the Governor through the Minister concerned and the Chief Minister for orders, state clearly the particular circumstances which justify exclusion of the appointment or class of appointments from the purview of the Commission and the objections raised by the Commission to such exclusion. If the Governor orders that a regulation should be issued, the case should be sent to the Personnel and Administrative Reforms (Personnel) Department for the issue of the necessary regulation.

94. When a petition from a person, who is or was in the service of Government, for review by Government in original orders passed by them or of orders passed by them in exercise of their appellate powers in respect of a matter affecting him as a Government servant is received in the Secretariat, the Secretary in the department administratively concerned shall after obtaining the advice of the Tamil Nadu Public Service Commission thereon forward it to the Chief Minister through Minister or Ministers concerned. In doing so, the Secretary in the department concerned shall point out whether or not the petition complies with the rules and orders governing the submission of such petitions (*See* Appendix III), and if the petition complies with such rules and orders, shall furnish a statement setting out briefly and accurately the facts and history of the case with comments on the merits thereof. The Personal file of the petitioner shall also be put up. It should be examined in the department administratively concerned in consultation with the Personnel and Administrative Reforms (Personnel) department, if the case involves interpretation or application of any of the service rules or orders and with the Finance Department if it involves any financial issue, and the note shall be submitted to the Chief Minister through the Minister or Ministers concerned. If the Chief Minister desires to have the advice of the Tribunal for Disciplinary Proceedings on the petition, the Secretary in the department administratively concerned shall obtain the remarks of the Tribunal and forward them to the Chief Minister through the Minister or Ministers concerned.

95. (*a*) If, in any case, it is proposed to reject or to deviate from the advice of the Tamil Nadu Public Service Commission on grounds which were not before the Commission, when it made its recommendation the Commission shall, if possible, be given a reasonable opportunity of considering those grounds and making a fresh recommendation before orders are issued.

(*b*) In any case in which the advice tendered by the Commission is rejected or deviated from, the administrative department concerned shall commicate the reasons for such rejection or deviation to the Commission.

(*c*) Where it is proposed to reject or to deviate from the advice of the Tamil Nadu Public Service Commission, the file shall be sent to the Personnel and Administrative Reforms (Personnel) Department before circulation

96. Before orders are issued amending the Governor's Regulations issued under Article 318 of the Constitution of India or the rules regulating the procedure to be observed by the Tamil Nadu Public Service Commission and the relations of the Commission with the Government and subordinate authorities, the Chairman of the Commission shall, unless the amendment is in accordance with recommendations made by the Commission, be informed demi-officially of the orders proposed to be issued to enable him, if the Commission, thinks fit, to lay the Commission's views personally before the Chief Minister.

97. Copies of orders in the following cases shall be sent to the Tamil Nadu Public Service Commission by the administrative department of the Secretariat concerned:—

(*a*) Orders of appointment of candidates selected in consultation with the Commission ; and

(*b*) final orders in disciplinary and other matters in respect of which the Commission was consulted.

98. Copy of all confidential circulars issued to Collectors of districts, whether by telegram, demi-official letter, letter official memorandum or Proceedings of Government shall invariably be communicated to the Board of Revenue for the information of the Members of the Board.

99. A copy of every Administration Report shall be sent to the Chief Secretary before publication.

100. (i) Before orders are issued in any department negativing or materially modifying the recommendations of the head of a department in any matter of importance, the head of the department shall, unless the matter is of extreme urgency, be informed unofficially of the proposed order to enable him, if he thinks fit, to lay his views personally before the Minister in-charge or the Chief Minister provided that he shall inform the Minister if he intends to lay his views personally before the Chief Minister.

(ii) The following are the heads of departments to whom this instruction shall apply :

(1) The Board of Revenue (all departments).

(2) The High Court.

(3) The Director of Collegiate Education.

(4) The Director of School Education.

(5) The Director of Medical Services and Family Welfare.

(6) The Inspector-General of Police.

(7) The Inspector-General of Prisons.

(8) The Chief Conservator of Forests

(9) The Director of Agriculture.

(10) The Director of Industries and Commerc

(11) The Registrar of Co-operative Societies.

(12) The Inspector-General of Registration.

(13) The Director of Public Health and Preventive Medicine.

(14) The Commissioner of Police.

(15) The Chief Engineers.

(16) The Commissioner of Labour.

(17) The State Port Officer.

(18) The Inspector of Municipalities.

(19) The Director of Animal Husbandry.

(20) The Director, Cinchona Department.

(21) The Director of Technical Education.

101. The ordinary channel of communication between the Government and a subordinate authority shall be through the head of the department concerned.

102. It shall be the duty of a Secretary to Government to see that all cases sent in circulation by him are promptly returned to his department.

103. Secretaries to Government shall bring to the notice of the Chief Secretary every case of breach of statutory rules which on discovery was not rectified immediately. The Chief Secretary shall bring such cases to the notice of the Governor.

104. The Governor acting on the advice of his Ministers may, from time to time, if he thinks fit, permit any departure from these instructions.

105. If any doubt arises as to the interpretation of these instructions it shall be referred to the Chief Minister whose decision shall be final.

APPENDIX I.

INSTRUCTIONS REGARDING THE SUBMISSION AND RECEIPT OF PETITIONS AND OTHER PAPERS OF THE SAME CLASS ADDRESSED TO THE GOVERNMENT OF TAMIL NADU.

I. *Definitions.*—In these Instructions—

(1) 'Government' means the Government of Tamil Nadu.

(2) 'Petition' includes memorials, letters and applications of the nature of petitions.

II. *Scope of—Instructions.*—(1) Save as here in after Provided these instructions shall apply, so far as may be, to all petitions address to the Government.

(2) They shall not apply to—

(*a*) petitions which are appeals preferred by persons holding posts under the administrative control of Government under the rules governing conditions of their service or under the Constitution of India ;

(*b*) petitions relating to Bills pending before the State Legislature ; such petitions are governed by the Standing Orders of the Legislature ;

(*c*) petitions submitted by, or on behalf of, convicts under sentence of death ; and

(*d*) petitions from persons who are or were in the service of Government for review by Government of original orders passed by Government or of orders passed by them in exercise of their appellate powers, in respect of matters affecting them as Government servants; such petitions are governed by the special instructions issued by the Governor in that behalf.

(3) They shall not affect any rules or orders in respect of representations submitted by recognized associations of Government servants.

III. (1) A petition may be either in manuscript or typescript or in print.

(2) Every petition shall be authenticated by the signature of the petitioner, or when the petitioners are numerous, by the signature of one or more of them.

APPENDIX—*cont.*

IV Every petition shall—

(*a*) contain all material statements and arguments relied upon by the petitioner;

(*b*) be complete in itself;

(*c*) if any recorded order of a public authority is complained against, be accompained by a copy of the order and by a copy of any order in the case passed by a subordinate authority together with a copy of the petition to such authority and

(*d*) end with a specific prayer.

V. Any person having cause of complaint against the Government shall, in the first instance, seek redress from the local authority who, if unable to grant the redress sought, shall pass an order in writing to that effect. If dissatisfied with this decision, the petitioner shall be at liberty to address the Board of Revenue, Court or other superior authority by which the local authority is controlled; or he may address the Government in cases wherein there is no such controlling authority.

Communication intended for the Government shall be addressed to "the Government of Tamil Nadu" or to a "Secretary to the Government of Tamil Nadu". A communication addressed to the Governor or to a Minister is not addressed to the Government and does not come within the cognizance of the Government unless the Governor, or the Minister sees fit to send it to a Secretary to Government.

VI. The Government will not receive a petition on any matter, unless it shall appear that the petitioner has first applied to the local authority and also to the Board of Revenue or other controlling authority, where such exists.

VII. In order to enable the Government to enforce the foregoing rules without injustice or hardship to complaining parties, all heads of offices shall understand that a party affected by an order is entitled to have on application, a copy of such order, which in all cases except those where no appeal lies shall contain a statement of the grounds of of the decision. This shall be furnished to him on plain paper and without payment.

VIII. The Government will receive petitions only from principals, communications running in the name of a pleader or agent will receive no attention. Ordinarily, anonymous petitions will be to ally disregarded. But if specific allegations of misconduct against a Government servant are contained in any anonymous petition, the Government may take such action thereon as they deem fit.

IX. Resolutions submitted by associations and other similar bodies will receive no attention; and such body wishing action to be taken on its representations should submit them in the form of a petition stating the grounds and circumstances of each case.

X. As the Government never interfere with the distribution of subordinate appointments, applications for situations in the gift of appointing authorities will remain unnoticed.

APPENDIX—*cont.*

XI. Every Government servant wishing to petition the Government shall do so separately:

Provided that nothing in this instruction shall apply—

(i) to a joint representation on one and same subject signed by several Government servants ; and

(ii) to representations submitted by recognised associations of Government servants in accordance with such rules as may, from time to time, be prescribed by the Government.

XII. Every person in civil employment and every person who has been in civil employment shall, if he desires to petition the Government in respect of such employment, or in respect of the termination of such employment, submit a separate petition on his own behalf.

XIII. Every petition from a person who is or was serving in a post under the administrative control of Government shall be addressed to a Secretary to Government and be submitted through the head of the office or department to which he belongs or belonged.

XIV. The head of the Office or department shall, unless empowered under Instruction XX, XXI or XXII to return or withhold it, at once forward the petition to the Secretary to Government in the department concerned through the ordinary official channel and may make such remarks as he may consider necessary in regard to the accuracy of the statements made and inferences drawn in the petition ; he shall also forward such records, not submitted by the petitioner, as should properly be consulted in order to the due disposal of the petition.

XV. Petitions from the Carnatic stipendiaries, or on the subject of Carnatic Stipends, shall be submitted through the Paymaster, Carnatic Stipends.

XVI. Petitions from political pensioners other than Carnatic stipne diaries and from Kandyan pensionersor on the subject of Political pensions other than Carnatic shall be submitted through the Collector of the District, in which the petitioners reside.

XVII. Petitions addressed to the Government will be liable to summary rejection in the following cases :—

(1) When the petitioner has not complied in full with the above instructions ;

(2) when a petition is illegible or unintelligible or contains language, which in the opinion of the Government is disloyal, disrespectful or improper ;

(3) when a previous petition has been disposed of by the Government of Tamil Nadu or the Government of India and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case ;

(4) when the petition is a mere application for relief, pecuniary or other, which is—

(*a*) presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character ; or

(*b*) so belated that its consideration is clearly impossible ;

(5) when the petition is—

(*a*) an application for employment in posts under the administrative control of Government not made in pursuance of any rule or announcement regarding applications for such employment ; or

(*b*) a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons serving in posts under the administrative control of Government or by persons engaging in any profession or employment ;

(6) when the petition is an appeal from a judicial decision unless such petition—

(*a*) is an appeal from a judicial decision in a case in which the Government have reserved any discretion of interference ;

(*b*) is an appeal from a judicial decision in a suit to which the Government were a party ; or

(*c*) is a prayer for the suspension or remission of a sentence under Chapter XXXII of the Code of Criminal Procedure, 1973 (Central Act II of 1974).

(7) when the petition is a representation against a decision which is declared to be final by any law or statutory rule ;

(8) when the law provides a different or specific remedy in respect of the subject-matter of the petition whether or not any period of limitation prescribed for the prosecution of such remedy has expired ;

(9) when the petition is submitted otherwise than in accordance with any rule, order or contract such as is referred to in sub-clause (*a*) of clause (14), by a person serving in a post under the administrative control of the Government with regard to his prospective claim to pension ;

(10) when a petition is an appeal against a failure by the Government to exercise a discretion vested in them by law or rule ;

(11) when the action desired in a petition is in the nature of a favour and not of a right ;

(12) when the petition is a representation against an order of a subordinate authority communicated to the petitioner more than six months before the submission of the petition and no satisfactory explanation for the delay is given ;

(13) when the petition is a representation against the discharge of a person—

(*a*) appointed on probation, during such probation ;

(*b*) appointed, otherwise than under contract to hold a temporary appointment, on the expiration of the period of such appointment ; or

(*c*) engaged under contract in accordance with the terms of such contract ;

(14) when the petition is a representation by a Government servant against an order—

(*a*) from which he has exercised, or possesses a right of appeal under—

(i) rules or orders regulating his conditions of service ; or

(ii) the terms of his contract of service ;

(*b*) passed by any authority in the exercise of appellate or revisional powers conferred by any rule, order or contract such as is referred to in sub-clause (*a*) ; or

(*c*) from which, not being an order of punishment passed by the Government, an appeal is expressly barred by any rule, order or contract such as is referred to in sub-clause (*a*) ;

(15) when the petition is a representation relating to an Order of the Government refusing to grant or to recommend—

(*a*) a special pension ;

(*b*) a compassionate pension ; or

(*c*) any pecuniary or other concession to which the petitioner is not entitled under any law or statutory rule ;

(16) when the petition is a representation with regard to any matter connected with the official prospects or position of a person serving in a post under the administrative control of the Government and is not submitted by such person ;

(17) when the petition relates to a subject on which the Government are competent to pass orders, and no application for redress has been made by the petitioner to the Government ;

(18) when the petition is a representation against the action of a private individual or of a body of private individuals regarding the private relations of the petitioner and such individual or body ; and

(19) When the petition, not being a petition such as is referred to in the exceptions in clause (6), relates to matters in which the petitioner has no direct personal interest.

XVIII. (*a*) The Government will, when a petition is rejected under Instruction XVII, inform the petitioner of the rejection and the reasons therefor.

(*b*) The Government will, when a petition is rejected for reasons other than those specified in Instruction XVII inform the petitioner of its rejection and also the reasons therefor, unless for some reasons to be recorded in writing the Government consider that it is not desirable to communicate the reason to the petitioner.

XIX. Where a petition has already been rejected under Instruction XVII and a further petition on the same subject is submitted which does not contain facts not already brought to notice, such further petition will be disregarded.

XX. The authorities named in the * margin are vested with discretionery power to return for correction or rectification petitions addressed to the Government and forwarded through them in the following cases:—

(*a*) when a petition is illegible or unintelligible ;

(*b*) when a petition runs in the name of a pleader or agent instead of in the name of the principal ;

(*c*) when a petition from a person who is or was serving in a post under the administrative control of the Government is addressed otherwise than in accordance with these instructions.

*The High Court.
The Board of Revenue.
The Director of Medical Services. and Family Welfare
The Chairman, Tamil Nadu Public Service Commission.
The Secretaries to Government
The Chief Conservator of Forests.
The Chief Engineers.
The Director of Agriculture.
The Director of Collegiate Education.
The Director of School Education.
The Director of Legal Studies.
The Commissioner for Government Examinations.
The Inspector-General of Police.
The Inspector-General of Prisons.
The Director of Public Health and Preventive Medicine.
The State Port Officer.
The Commissioner of Police.
The Superintending Engineers.
The Commissioner of Labour.
The Director of Industries and Commerce.
The Director of Animal Husbandry.
The Inspector-General of Registration.
The Registrar of Co-operative Societies
The Collectors
The District and Sessions Judges.
The Chief Engineer, Public Health Engineering and Municipal Works.
The Director of Stationery and Printing.

The Chairman of Municipal Councils.

The Director, Cinchona Department.

The Commissioner, Hindu Religious and Charitable Endowments (Administration) Department.

The Transport Commissioner.

The Director of Rural Development.

The Director of Employment and Training.

The Chairman, Tamil Nadu Sales Tax Appellate Tribunal.

XXI. The same authorities are vested with discretionery power to withhold petitions addressed to the Government and forwarded through them in the following cases :—

(*a*) when a petition is an application for pecuniary assistance by a person manifestly possessing no claim;

(*b*) when a petition relates to a subject or which those authorities are themselves competent to pass orders, and no previous application for redress has been made to them.

XXII. Petitions addressed to the Government by non-gazetted officers in respect of matters regarding which authorities Subordinate to the Heads of Departments exercise appellate powers, shall be withheld by the Heads of Departments through whom they are forwarded. No action shall ordinarily be taken by the Government on advance copies of such petitions :

Provided that—

(i) the Government may call for a report on any matter affecting a Government servant if they have reason to believe that there is a genuine grievance to be redressed;

(ii) the Head of a Department may address the Government on any matter affecting a Government servant if he has reason to believe that in a petition addressed to the Government there is a genuine grievance to be redressed.

(iii) Members of the Constabulary (Police Constables and Head Constables) shall be eligible to make one representation to Government against orders of dismissal after exhausting the right of appeal. This representation (petition or memorial) shall not be withheld by any authority.

XXIII. An authority withholding a petition under Instruction XXI or XXII shall inform the petitioner of the withholding and the reason therefor.

APPENDIX II.

INSTRUCTIONS REGARDING SUBMISSION OF REPORTS ON MATTERS OF POLITICAL OR ADMINISTRATIVE IMPORTANCE.

The Government of India in the Ministry of Home Affairs require at the earliest possible time information on the following topics unless they are minor occurrences :—

(1) Riots which involve a serious breach of the public peace;

(2) Use of troops in aid of the civil power, to suppress disturbances ;

(3) Outrages which have a political aspect; and

(4) Calamities, such as floods or earthquakes, which cause serious damage to life or property,

Collectors are required to report immediately to the Chief Secretary to Government, Public Department, by telegram or by radio message, the occurrence in their districts of any events of the foregoing description. Until the situation becomes normal, they should send daily telegraphic reports of further developments. The telegraphic reports should invariably be followed by detailed reports in duplicate on the subject.

As now telephonic facilities are easily available, the Collectors, besides sending such reports, should in such cases, immediately contact Chief Secretary or (in the event of his not being readily available on the phone) the Deputy Secretary to Government, Public Department or Under Secretary to Government, Public Department as the case may be and inform him about the occurrence of such incidents. The calls may be booked as " Immediate " calls in really serious cases and " urgent " calls in other cases.

In cases where troops are used in aid of civil power to suppress disturbances, the telegrahpic report should include information on the following points :—

(1) Date of occurrence;

(2) Causes for the disturbance ;

(3) Whether troops were called out ;

(4) Whether fire was opened by—

(*a*) Troops and/or

(*b*) Police; and

(5) Casualties.

Explanation.—Any rioting which involves the use of firearms or any communal riot which involves the death of a person will be recorded as a serious breach of the public peace. In the latter case and in the case of other riots not involving the use of firearms, Collectors should exercise their discretion in deciding whether the riot was a serious one or not for purposes of these instructions.

2. Collectors are also required to furnish the earliest possible information on the following further topics :—

(i) All collisions between non-Indians and Indians, excluding alleged assaults of any kind regarding which there is no confirmation or assaults of a positively insignificant character;

(ii) any disturbance in the nature of a grain riot; and

(iii) all other events which have a political or administrative importance and all unusual happenings.

Explanation.—In the cases of item (ii), viz, grain riot, the report should be by telegram irrespective of the fact whether the riot was serious or not.

3. The Commissioner of Police will report such occurrences in the Madras City.

4. It should be understood that the telegraphic and written reports which the Collectors and the Commissioner of Police send to the Chief Secretary to Government with reference to the instructions in the foregoing paragraphs are primarliy intended to enable the Government to furnish the Government of India with the information required by them. If it becomes necessary to follow up the report with further correspondence on the subject, such correspondence should be addressed to the Secretary to Government in the department directly concerned.

Collectors and the Commissioner of Police should repeat to the Secretary to the Governor, the telegraphic and written reports which they send to the Government, in all cases of (i) riots, Communal or otherwise; (ii) serious disturbances of the public peace; (iii) outrages of any kind; (iv) use of troops in aid of the cvil power; or (v) natural Calamities.

5. As the Military authorities are interested in all cases which come under the head "outrages which have a political aspect", the Collector or the Commissioner of Police will report such occurrence at places where troops are stationed, to the Officer Commanding the Station, or at places where there are no troops to the General Officer Commanding, Head quarters, Tamil Nadu Area. The detailed report to the Government need not however be communicated to the Local Military authorities unless their co-operatoin is sought. If, in any case, it is considered necessary to communicate further details to the Military authorities this communication will be made by the Government in the Public Department to the General Officer Commanding-in-Cheif, Southern Command, Poona.

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6. Collectors and the Commissioner of Police should also see that Officer Commanding the nearest Military station is kept closely informed of the communal situation existing in or near their stations or any other matter which might lead to troops being called out in aid of the civil power.

7. If the first report from a Collector or the Cmomissioner of Police, Madras, on any of the subjects mentioned in paragraphs 1 and 2 above is received in any department of the Secretariat other than the Public Department, the Secretary of the Department shall send the report or a copy of it immediately to the Chief Secretary in the Public Department. Any special remedial action which may be called for must however be considered by the Department directly concerned.

8. As soon as the first report on any of the subjects mentioned in paragraphs 1 and 2 is received in the Public Department, the Chief Secretary—

(*a*) will at once report the event, if it is of the nature described in paragraph 1 to the Government of India by telegram, indicating at the same time the Secretary of the State Government to whom all future references on the subject should be made in cases of floods, the telegram will be repeated to the Ministry of Irrigation and Power, New Delhi and also to the Central Water and Power Commision. (Flood Wing), New Delhi;

(*b*) will inform the Minister or Ministers concerned of the report received; and

(*c*) will send the report to the department or departments of the Secretariat concerned which should keep the Chief Secretary informed from time to time of any important development.

With a view to avoid possible delay and to ensure the personal attention of the Secretary concerned, the Chief Secretary will pass on the preliminary report as required by clause (*c*) above, with a special slip as follows:—

Special.—This report has been communicated to the Government of India, and to the Minister (or Ministers) concerned and is now transmitted to the Secretary of the Department for personal attention, with reference to G.O. No. 3340, Public (General), dated 3rd November 1955.

Explanation—Daily telegraphic reports, if any received subsequent to the first report, will also be dealt with similarly.

9. In cases of serious riots, raids, affrays, outbreaks or other events of sufficient importance to justify special reports, the telegraphic reports made to the Government of India should also be invariably repeated in cypher if necessary to the Chief of Staff Army, New Delhi.

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10. If the State Government do not consider that the matter is of a serious character, no further report to the Government of India need be sent and the telegraphic report should be closed with the word, "no further report seems necessary". In all other cases of the kind which call for orders from the State Government, the preliminary report should be followed by an official report from the Secretary of the Department directly concerned intimating the State Government's decision and communicating the orders passed as soon as the State Government have been able to review the facts of the case and arrive at a conclusion. If latter reports of district officers reveal that the case is of a trifling character this fact should be intimated to the Government of India by the depart ments directly concerned.

11. Four copies of all reports (excluding telegrams from the State Government) regarding communal disturbances should be forwarded to the Government of India.

APPENDIX III

INSTRUCTIONS FOR THE SUBMISSION AND DISPOSAL OF PETITIONS FROM PERSONS WHO ARE, OR WERE, IN THE SERVICE OF GOVERNMENT FOR REVIEW BY GOVERNMENT OF ORIGINAL ORDERS PASSED BY GOVERNMENT OR OF ORDERS PASSED BY THEM IN EXERCISE OF THEIR APPELLATE POWERS IN RESPECT OF MATTERS AFFECTING THEM AS GOVERNMENT SERVANTS.

I. (1) Heads of Departments may, save as provided in Instruction II withhold any petition for review by Government—

(i) if the petitioner has not availed himself of the remedies provided by rules or orders applicable to the case ; or

(ii) if the petition was not submitted within two months from the date on which the final order passed by Government under the rules or orders applicable to the case was communicated to the petitioner; or

Provided that in respect of petitions for review by Government of orders passed before the 7th September 1964, the time limit, shall be six months ; or

(iii) if the petition relates to a matter, which has already been reviewed by Government ; or

(iv) if the petition relates to a case where an original order or an order on statutory appeal has not been passed by Government ; or

(v) if the petition is illegible or unintelligible or contains any matter which is disloyal, disrespectful or improper.

(2) Orders passed by Government on a statutory appeal shall not be treated as review by Government for purpose of sub-clause (iii) of clause (1).

(3) An authority withholding a petition for review by Government under this instruction shall inform the petitioner of the fact of withholding the petition and the reason therefor.

II. Petitions for review by Government from persons who are or were gazetted officers or from non-gazetted Government Servants in cases where an original order or an order on a statutory appeal was passed by Government shall not be withheld by any authority.

III. Every petition referred to in Instruction II shall be submitted through the Head of the Office or department to which the petitioner belongs or belonged, to the Secretary to Government in the administrative department concerned.

APPENDIX IV.

INSTRUCTIONS REGARDING THE PROCEDURE FOR THE PUBLICATION OF OFFICIAL CORRESPONDENCE.

I. No official communication addressed by a subordinate to a superior authority, or *vice versa*, should in normal circumstances be published by the addressing authority until the addressee has received it. When circumstances render earlier publication expedient, arrangements for publication should be made by telegram, the contents of the document being indicated to the addressee at the same time. If in rare cases of exigency it should be possible to adopt either of these courses, telegraphic intimation of the circumstances, with an explanation, should be sent to the addressee.

II. No Government, and no Member of a Government, should in any circumstances give publicity to a document which might seem to reflect upon a superior authority without first obtaining the latter's consent, and no assistance must ever be given to the Press in formulating adverse comments upon the orders or actions of a superior authority.

III. In personal cases which have formed the subject of correspondence between the State Government and the Government of India the deciding authority should in every case clearly indicate (a) whether only the substance of the decisions should be communicated to the officer concerned, or (b) whether in addition a statement of the grounds upon which it is based or portions of the correspondence, and, if so which portions, should be similarly, communicated.

IV. Communications from the Government of India, or issued to the Government of India, should in no case be made public either in the actual form in which they were issued or in the form of an abstract, without the sanction of the Government of India, unless in the case of communications from the Government of India, they have been marked for distribution to the Press or have been already published in the Gazette of India.

Explanation.—The restrictions imposed in the rule above are not intended to apply to departmental administration reports which may be communicated to the Press as soon as they are issued or after they have been reviewed by the State Government.

APPENDIX V.

INSTRUCTIONS FOR THE SUBMISSION, RECEIPT AND TRANSMISSION OF MEMORIALS AND PETITIONS FOR PARDON TO THE PRESIDENT OF INDIA.

PART I.

Preliminary.

1. *Definitions.*—In these instructions —

(i) "State Government" means, in relation to any Part C State and the Andaman and Nicobar Islands, the Chief Commissioner.

(ii) "Memorial" means a memorial praying for pardon addressed to the President and includes petitions, letters and applications of the nature of memorials.

(iii) "Petition" means a petition praying for pardon addressed to the President and includes memorials, letters and applications of the nature of petitions.

(iv) "Pardon" means the grant, to any offender convicted in the exercise of its criminal jurisdiction by any Court in India and sentenced to punishment *other than death*, of a pardon either free or on conditions, and includes a respite, reprieve or remission or punishment.

PART II.

Form and manner of submission of memorials and petitions.

2. *Form of memorial or petition.*—(1) A memorial or petition may be either in manuscript or in print.

(ii) every memorial or petition shall be authenticated by the signature of the memorialist or the petitioner or, when the memorialists or petitioners are numerous by the signatures of one or more of them.

(iii) Every memorial or petition, and the documents accompanying it, shall if possible, be in English.

3. *Contents of memorial or petition.*— Every memorial or petition shall,

(i) contain all material statements and arguments relied upon by the memorialist or petitioner;

(ii) be complete in itself;

(iii) be accompanied by copies of the judgments of the Courts; and

(iv) end with a specific prayer.

4. *Method of submission*—Every memorial or petition shall be submitted through the State Government and shall be accompanied by a letter requesting the Chief Secretary to the State Government to transmit the memorial or petition to the President.

PART III.

Withholding of memorials and petitons by the State Government.

5. *Circumstances in which memorials or petitions may be withheld by the State Government.*—The State Government may withhold a memorial or petition when—

(i) the memorialist or petitioner has not complied in full with the provisions of Part II of these instructions ;

(ii) the memorial or petition is illegible or unintelligible, or contains language which is, in the opinion of the State Government disloyal, disrespectful or improper ;

(iii) a previous memorial or petition from the memorialist or petitioner on the same subject has been disposed of by the President, and the memorial or petition in the opinion of the State Government discloses no new facts or circumstances which afford grounds for a reconsideration of the subject ; or

(iv) the memorial or petition contains a prayer concerning a sentence of punishment (not being sentence of death) for an offence in relation to a matter to which the executive power of the Central Government does not extend.

6. *Memorialist or Petitioner to be informed when memorial or petition is withheld.*— When a memorial or petition is withheld under instruction 5, the State Government shall inform the memorialist or petitioner of the fact of such withholding along with the reason or reasons therefor.

7 *List of memorials or petitions withheld.*— The State Government shall send a quarterly return to the secretary to the Government of India in the Ministry of Home Affairs specifying the brief details of all memorials or Petitions withheld under instructions 5 and the reasons for withholding them.

PART IV.

Transmission of memorials and petitions by the State Government.

8. *Procedure for transmission.*—(i) The State Government shall transmit to the Secretary to the Government of India in the Ministry of Home Affairs all memorials or petitions not withheld under instruction 5 together with a concise statement of facts relevant thereto and an expression of the opinion of the State Government on the grounds urged in the memorial or petition.

(ii) Where the memorial, petition or any document accompanying them is not in English, the State Government shall, when transmitting it under this instruction, also forward an English translation thereof duly authenticated under the authority of the State Government.

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